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LOK SABHA DEBATES

(Fifth Session)

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LOK SABHA SECRETARIAT
NEW DELHI

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N.B.—The sign + marked above a name of a Member on Questions which were orally answered indicates that the Question was orally asked on the floor of the House by that Member.

LOK SABHA

Tuesday, 9th September, 1958.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Newsprint Factory, Nizamabad

+

*1055. **Shri V. C. Shukla:**
Shri Rameshwar Tantia:
Shri Ram Krishan:
Shri T. B. Vittal Rao:
Shri Subbiah Ambalam:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. **924** on the 13th March, 1958 and state:

(a) whether the negotiations with a firm in West Germany for the establishment of a Newsprint factory at Nizamabad in Andhra Pradesh have since been concluded;

(b) if so, the terms of the agreement; and

(c) whether the civil engineering work relating to the proposed factory has since been undertaken?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) No, Sir. It has not so far been possible to arrange for satisfactory terms of deferred payment.

(b) Does not arise.

(c) The Andhra Pradesh Government have been requested to survey the site proposed, excavate trial pits to test the nature of the soil, and prepare contour maps of the area.

Shri V. C. Shukla: If the deferred payment terms are not satisfactorily settled, may I know whether the Government will explore other terms and other conditions by which it will be possible to set up this newsprint factory quite early?

Shri Satish Chandra: It is not possible to set up any new industry unless satisfactory deferred payment terms are offered by the technical collaborators.

Shri V. C. Shukla: Crores of rupees worth of newsprint, in foreign exchange, is imported every year into our country and this newsprint factory is likely to save all that amount.

Mr. Speaker: What is the meaning of arguing like this? The hon. Member must put a question straightway. I would not allow any argument. What is the question?

Shri V. C. Shukla: My question is, in view of this position, whether the Government will give a dispassionate consideration to this matter?

Mr. Speaker: It is a suggestion for action. Government will always consider.

Shri Tangamani: May I know whether steps have been taken for expanding the Nepa factory and, if so, what the production capacity of the factory will be for this year?

Shri Satish Chandra: The capacity of the Nepa factory is 100 tons per day. It has not yet reached its rated capacity. The production this year is likely to exceed 20,000 tons. It has been progressing satisfactorily from year to year.

Dr. Ram Subhag Singh: The hon. Deputy Minister said that the Nepa factory has not yet reached its rated capacity. May I know what the difficulties are, which prevent it from reaching its rated capacity, and what arrangements have been made to give it adequate power supply?

Shri Satish Chandra: Factory of this type which is of a complicated nature and this is the first in India, always takes time to reach its rated capacity. I give the figures so that the hon. Member may appreciate how the Factory has been making progress from year to year. As against a production of 2,500 tons in 1955, it produced about 11,000 tons in 1956 and about 15,000 tons in 1957. It has produced in the first six months of this year about 10,000 tons. Therefore, it is reaching its rated capacity gradually.

As the hon. Member is aware this Factory was started in the private sector and the Government took interest only at a later stage. Since then it has been showing marked progress.

Shri Ram Krishan: May I know the total amount to be spent on this plant?

Shri Satish Chandra: If the plant materialises, the estimates are that the capital investment would be about Rs. 5.5 crores.

Shri V. P. Nayar: The hon. Deputy Minister said that there would be no agreement with regard to the deferred payment. I want to know which of the specific terms in the deferred payment could not be agreed to and which is the firm which had given this suggestion?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): May I answer the general question, and not the particular points? We do want that this Factory should be set up, and for the information of the hon. Member, I wanted to say that our Minister of Industry, Shri Manubhai Shah, has recently gone abroad and is visiting West Germany also. We have advised him to discuss the scheme further there. I hope something will come out.

Shri V. C. Shukla: Is it not a fact that the production of newsprint in the Nepa mill is suffering only because of the lack of power there and that if power is made available it will reach the rated capacity of 100 tons of production immediately?

Shri Satish Chandra: That is not so. There has been some difficulty in regard to power, but the requirements of the mill are being met at present.

Mahatma Gandhi's Samadhi

*1056. **Shri Ram Krishan:**
Shri D. C. Sharma:
Shri Radha Raman:
Shri Naval Prabhakar:
Shri Bhakt Darshan:

Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 1319 on the 31st March, 1958 and state:

(a) whether the detailed plans and estimates of Samadhi of Mahatma Gandhi have been finalised;

(b) if so, the details thereof; and

(c) the progress made in the construction of the Samadhi?

The Deputy Minister of Works, Housing and Supply (Shri Anil Chanda): (a) No, Sir.

(b) Does not arise.

(c) The architect of the approved design is preparing detailed plans for the 1st phase of the work.

Shri Ram Krishan: In reply to this question on a previous occasion, the hon. Deputy Minister said that a detailed plan would be ready within six months. May I know what the reasons are for so much of delay?

Shri Anil K. Chanda: Six months have not elapsed.

Mr. Speaker: We discussed the other day the Rajghat Samadhi (Amendment) Bill. There are other important questions also. Next question.

Dental Chairs

*1058. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Dental chairs are now manufactured in our country;

(b) their total annual requirements in terms of value; and

(c) whether any steps have been taken to meet the entire demand by the indigenous production?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) The information is not available.

(c) At present there is one firm manufacturing dental chairs in the country. Every encouragement will be given to increase production.

Shri V. P. Nayar: The second Five Year Plan provides for Rs. 2 crores for dental education, and in view of that, after the Plan, there will be a larger number of dentists, and if there is no plan for the manufacture of chairs, what will they do?

Shri Satish Chandra: Dental chairs and dental education are two different things. But there is a factory in the country already and it produced about 40 chairs in 1957-58. This year the production is likely to be larger. It is estimated by that firm itself—we have no proper estimates—that the maximum demand will be for 100 chairs per annum. That could be met by the expansion of this factory or by some other person coming forward to manufacture them.

Shri V. P. Nayar: The particular portion of the dental chair........

Mr. Speaker: The hon. Member made a sort of suggestion—that for 2,000 dentists there should be 2,000 chairs.

Shri V. P. Nayar: It has been specifically stated that the number of dentists will be increased several-fold and every district hospital will have a dental service. Dental service without a dental chair is not possible; the Government should know that the dental chairs are a primary requirement for this purpose. We cannot pull out the teeth by asking the patient to sit in an ordinary chair.

Mr. Speaker: I should like that every hon. Member must have his teeth intact.

The Parliamentary Secretary to the Minister of Community Development (Shri B. S. Murthy): In China, without even a chair, teeth are being pulled out.

Preservation of Antarctic

*1059. **Shri V. C. Shukla:**
Shri Shree Narayan Das:
Shri Kodiyan:
Shri D. C. Sharma:
Sardar Iqbal Singh:

Will the **Prime Minister** be pleased to state:

(a) whether at the instance of the Government of the United States of America a conference is proposed to be held on the preservation of Antarctic as a continent for scientific research;

(b) if so, what are the countries which have been invited to participate in this conference; and

(c) whether India is making any contribution for the success of this conference?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes, Sir. The United States of America has proposed an international conference to discuss international co-operation and, if possible, to conclude a treaty to ensure freedom of scientific investigation and the use of Antarctica for peaceful purposes.

(b) Argentina, Australia, Belgium, Chile, France, Japan, New Zealand, Norway, Union of South Africa, the U.S.S.R. and the U.K.

(c) India is not a member of this conference and the question does not arise.

Shri V. C. Shukla: This question of peaceful use of Antarctic was stressed by us as far back as February, 1956. In view of this, do Government propose to press for the consideration of this question in the coming session of the General Assembly of the United Nations?

Shri Sadath Ali Khan: We do not propose to press for this in the coming session of the General Assembly for various reasons.

Shri V. C. Shukla: In view of the importance of this area, are the Government of India contemplating to make further efforts through diplomatic channels to ensure the peaceful use of this continent by the common agreement of all countries of the world?

Shri Sadath Ali Khan: Our policy in this regard is very clear. It is our desire that this area should be used entirely for peaceful purposes for the benefit of the whole world. When the appropriate time comes, we will take up this matter again.

Shri Kodiyan: In view of the fact that India and other Asian countries are interested in the preservation of Antarctic for scientific research and peaceful development, what steps do Government propose to take to see that India and other Asian countries are represented in this proposed conference?

Shri Sadath Ali Khan: I have just now said that this matter will be taken up at the appropriate time.

Shri Kodiyan: Do Government have any specific proposal as to the peaceful preservation of the Antarctic?

Shri Sadath Ali Khan: This matter has been made clear in the recent memorandum. With your permission, I would like to read this out. We have stated that,

> "The Government of India consider that the General Assembly of the United Nations should call upon all States to agree to utilise this territory solely for peaceful purposes and in particular to agree that the area should not be used in any way that would accentuate the world tensions or extend to this area the existing tensions."

Shri D. C. Sharma: In the present circumstances, may I know which countries are making any use of this area either for scientific purposes or for any other purpose?

Shri Sadath Ali Khan: I have just stated that there is going to be a conference of the countries interested in it for discussing this matter.

Shri C. R. Pattabhi Raman: Considering that India and Ceylon are the closest points in Asia to Antarctic and also in view of the south-west monsoon which comes from that area, do the Government think it necessary to take steps to be a party to the conference?

Shri Sadath Ali Khan: We are not party to this conference. I have just stated that India is not a member of this conference.

Strychnine

*1061. { **Shri V. P. Nayar:**
Shri T. B. Vittal Rao:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether seeds of Strychnos-nux-vomica are being utilised in

India at present for the extraction of Strychnine or other derivatives; and

(b) if not, what are the difficulties in doing so?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) Does not arise.

Shri V. P. Nayar: May I know whether Government have any information about the annual exports of strychnos-nux-vomica seeds from India?

Shri Satish Chandra: I do not know about the nux-vomica seeds, but, I know that strychnine hydrochlorides and alkaloids which are manufactured from this seed are being exported.

Shri V. P. Nayar: May I know whether any other strychnine products are imported and if so, what is the total value of algaloids or other derivates of strychnine?

Shri Satish Chandra: I have not got the information just now. It is a question relating to exports.

Shri V. P. Nayar: It is not a question relating to exports. I am asking whether Government have any information about the imports of strychnine which is derived from the strychnos-nux-vomica seeds which we export, because we have a monopoly over these seeds?

Shri Satish Chandra: Normally when we are producing and exporting an article, it will not be allowed to be imported.

Export of Textile Machinery and Stores

*1063. **Shri Damani:** Will the Minister of Commerce and Industry be pleased to state whether there is any proposal under the consideration of Government to promote the export of Textiles Machinery and Stores from India?

The Minister of Commerce (Shri Kanungo): Yes, Sir.

Shri Damani: May I know whether any representation has been received by the manufacturers of textile machinery for encouraging exports?

Shri Kanungo: Yes, Sir. We are having continuous discussions with them. An association of textile machinery manufacturers has been formed and they are likely to be affiliated to the Engineering Goods Export Promotion Council. But at the moment the export of textile machinery is very little and the internal demand is high. In fact, it is difficult to meet the internal demand in full.

Shri Damani: May I know whether any survey has been made of the small and large units of textile machinery manufactured regarding their capacity—how much they can meet the internal demand and how much can be exported?

Shri Kanungo: Yes, Sir; a survey has been made and it is known that some textile manufacturers are booked up with orders for four years. Therefore, the internal demand is so high that it cannot be met.

Shri S. M. Banerjee: May I know whether our country has attained the state of self-sufficiency in the manufacture of textile machinery and if not, to what extent, we are depending on foreign countries?

Shri Kanungo: It will take a long time to say that. We are not self-sufficient in all items. We are producing spinning machinery, weaving machinery, certain amount of preparatory machinery and carding. We are not producing some other items.

Shri S. M. Banerjee: There are some textile mills which have closed for want of new machinery. That is why I ask to what extent we have attained self-sufficiency and if not, are we to depend on imports?

Shri Kanungo: For certain items, we have to depend on imports for sometime.

Shri Ramanathan Chettiar: In view of the answer given by the hon. Minister saying that our country is not self-sufficient in regard to the textile machinery, is it advisable to export textile machinery?

Shri Kanungo: Yes, Sir; because they are durable machinery, unless we open up export channels, later on we will be in difficulty.

Shri Morarka: May I know the total value of the machinery manufactured and what is the target for the second Plan?

Shri Kanungo: I am sorry I have not got the figures now.

Shri Jadhav: What is the number of power looms exported from India?

Shri Kanungo: Very few looms have been exported. I am sorry; no looms have been exported.

Shortage of Newsprint

+

1065. **Shri Jaganatha Rao**:
Shri Assar:
Shri Subbiah Ambalam:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that three Nagpur Dailies and some newspapers in Bombay State were threatened with closure on account of shortage of newsprint;

(b) if so, the steps taken by Government to meet the situation;

(c) the annual requirements of newsprint in the country;

(d) the present internal production thereof and the quantity of newsprint imported annually; and

(e) the steps taken to augment the internal production of newsprint?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). As soon as the threatened closure of three Nagpur Dailies due to shortage of newsprint was brought to the notice of Government, they were offered relief by releases from Nepa Mills and from ready stocks of imported newsprint. Government have no knowledge regarding such threatened closure of any other newspapers in Bombay State.

(c) The demand is gradually increasing and expected to reach 100,000 tons by 1960-61.

(d) A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 90.]

(e) A scheme for the establishment of a newsprint factory at Shakanagar with a capacity of 100 tons per day is under consideration of the National Industries Development Corporation.

Shri Jaganatha Rao: May I know what steps are being taken to step up production?

Shri Satish Chandra: I have just answered that question two minutes ago. The Nepa Mills are gradually reaching their rated capacity. Efforts are being made to put up another factory provided suitable deferred payment terms can be negotiated.

Shri Jaganatha Rao: The rated capacity of Nepa Mills is 30,000 tons a year whereas they have produced only about 14,000 tons and odd. What steps are being taken to step up production in the Nepa Mills?

Shri Satish Chandra: In the first six months, it produced about 10,000 tons. This year the production will be somewhere between 20,000 and 25,000 tons. That would be a very fair performance for the Nepa Mills.

Shri V. C. Shukla: Is it a fact that the Government of Madhya Pradesh have several times written to the Central Government to give aid to increase the power capacity at Nepanagar and, if so, what steps are being taken by this Government to increase the power capacity?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): A question was just now put about the steps taken to improve the present position of the Nepa Mills. I might inform the House that very recently we have tried to re-constitute the capital structure of the Nepa Mills, and it will now be more or less centrally controlled from here by us, by the Commerce and Industry Ministry. We have appointed a new Managing Director, an engineer of high status, so that he can go into the whole matter and take decisive steps to improve upon the present position. As my colleague, the Deputy Minister, has stated, the production is already on the increase and, I am told, during the last two months there have been no losses. Up till now, the Nepa mills was incurring losses also. It seems to me that the position has definitely improved As regards power, other facilities etc. we will try to help in all of them in the light of the recommendations made by the new Managing Director.

Shri Subbiah Ambalam: In view of the fact that raw materials like eucalyptus are available in plenty in the Nilgiris, will Government consider the desirability of establishing a newsprint factory in Madras?

Shri Lal Bahadur Shastri: The Nilgiris are suited for other manufactures like raw films, and we are considering whether we could set up a mill there.

Shri P. R. Ramakrishnan: Bagasse can be one of the main raw materials for producing newsprint, has any attempt been made to use bagasse in the production of newsprint?

Shri Satish Chandra: As I have said in reply to part (a) of the question, there is a proposal to establish a newsprint factory at Shakanagar, near Hyderabad. The raw material used there will be bagasse.

Shri V. P. Nayar: May I know whether Government have taken any steps to find out whether newsprint could not be manufactured from soft wood, because the position of bamboos is not very encouraging?

Shri Satish Chandra: Soft wood is being used for the manufacture of paper.

Shri V. P. Nayar: I was trying to find out whether there is a scheme for establishing a factory entirely dependent on soft wood for manufacture of newsprint and, if so, where it will be located.

The Minister of Commerce (Shri Kanungo): The normal raw material for newsprint is pine variety of wood, and that is available in the Himalayas Various schemes in the matter have been considered. But there are difficulties in the way of economic utilisation of those raw materials. Therefore, there is no scheme at the moment for utilising those coniferous woods.

Shri V. P. Nayar: There are soft woods in the Western Ghats.

Shri Ranga: Are any steps taken to step up production of newsprint in the Andhra Paper Mills at Rajahmundry? Have the Government assured themselves of the necessary foreign exchange in their attempts to put up this new factory at Shakanagar?

Shri Kanungo: The manufacture of newsprint from bagasse is rather a new process, which has not been tried in India. After the success of the Shakanagar scheme, other schemes will be taken up.

Shri Ranga: What about the foreign exchange content of the resources that they would need in order to put up the Shakanagr mills? Or is it going to be merely a paper scheme?

Shri Satish Chandra: I have answered this very point in reply to an earlier question. Deferred payment terms negotiations are being carried on and, as the hon. Minister has stated just now, the Minister for Industries has gone abroad, and on his return trip will be visting West Germany to explore further possibilities of obtaining credit on deferred payment terms in order to enable us to set up a factory at Shakanagar.

Shri Mahanty: Regarding part (d) of the question, may I know whether this newsprint is imported through the STC or through private importers and what was the price paid by the STC for long term imports?

Mr. Speaker: We are now going into the agency. The main question was about the closure of three dailies and about the arrangements for the supply of newsprint. Who imports the newsprint is absolutely foreign to this question.

Shri Mahanty: I am referring to part (d) of the question.

Mr. Speaker: Part (b) refers to the steps taken by Government to meet the situation.

Shri Mahanty: I am referring to part (d) "the present internal production thereof and the quantity of newsprint imported annually". I want to know whether for the newsprint which has been imported by the STC the price was much higher than what was being offered by the private importers. In that case.......

Mr. Speaker: He is going into the terms etc. This is about internal production versus import from outside. From that he is going into the price, agency and so on. I am exceedingly sorry I cannot allow this question. Hon. Member may put it down as a separate question. One single question should not take 20 minutes.

Surala and Sumadi Salt Factories

*1067. **Shri Panigrahi**: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Union Government have agreed to give financial aid to the Surala and Sumadi salt factories in Orissa for keeping the sea-mouth near Sunapur in Ganjam open for all the year round; and

(b) whether any grant has been made for constituting a road connecting Surala and Sumadi?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). No, Sir.

Shri Panigrahi: May I know the difficulties of the salt factories in Orissa? Have they made any representation to the Government of India that any financial aid should be given to them?

Shri Satish Chandra: There are certain schemes under consideration for the improvement of the salt factories at Surala and Sumadi. Some recommendations were made by the Regional Advisory Board there. They were considered by the Central Advisory Board and are now being considered by us. The schemes which have been recommended will cost about Rs. 1,53,000. They will be considered and then implemented.

Shri Panigrahi: May I know whether financial help of any kind has been extended by the Government of India so far to the salt factories in Orissa?

Shri Satish Chandra: This help is not always given in the form of grants ar loans to the salt factories. It is usually given in the form of common services like repairing roads near salt factories, extension of railway sidings and so on. These works are normally carried on from time to time.

Shri Panigrahi: Has the salt industry of Orissa represented to the Government of India that because of import of salt from South, salt produced in Orissa is not selling and, therefore, they are losing? If so, has any step been taken to see that the salt produced in Orissa is sold only in Orissa?

Shri Satish Chandra: Salt produced in Orissa is sold mainly in Orissa. The fact is that as against the requirement of about 26 lakh maunds of salt in the State of Orissa, only 10 lakh to 11 lakh maunds are produced in all the local factories. So, the rest has to be imported from outside.

Indian Engineering Delegation

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*1068. **Shri Subodh Hansda:**
Shri Tridib Kumar Chaudhuri:

Will the **Minister of Commerce and Industry** be pleased to state:

(a) whether Government have since received a report from the Indian Engineering Delegation which visited the Far East early this year;

(b) if so, when it was received and the main features of the Report; and

(c) the action taken or proposed to be taken thereon?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) The Report was received on the 11th August, 1958. A statement showing the recommendations of the Delegation is laid on the Table of the House. [*See* Appendix IV, annexure No. 91.]

(c) A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 91.]

Shri Subodh Hansda: From the statement I find that the steps which are considered likely to increase exports of engineering goods are: (a) availability of steel at concessional prices; (b) special railway and shipping freights; (c) relief from income-tax on earnings from export; and (d) retention by the trade of a portion of the foreign exchange earned by it for import of raw materials and expansion of the industry. May I know what action has been taken to implement these suggestions?

Shri Kanungo: Some action has been taken. As far as making available steel at concessional rates is concerned, that has been done. There are various other recommendations which the Export Promotion Council has to initiate. They are matters like banking facilities, shipping facilities etc. which we are discussing with the various organisations.

Shri Subodh Hansda: May I know what type of publicity arrangements have been made in the foreign countries, especially in the Far Eastern countries, to give prominence to engineering goods exported from India?

Shri Kanungo: While there was no export three years back, now the export has gone up to about Rs. 4 crores. The Engineering Promotion Council sends out delegations to encourage our exports. The last one was sent very recently. Then we have got market survey offices round about those areas. Therefore, all the necessary steps are being taken.

Shri Subodh Hansda: May I know whether action has been taken to invite foreign firms to collaborate with local firms for setting up assembly plants in India and if so, name of the firms?

Shri Kanungo: That is a general question. There is collaboration in various fields of engineering in India.

Shri Hem Barua: From the statement it is seen that the major recommendations of the Delegation, before they were published, were discussed in an inter-departmental meeting held on the 10th July, 1958 and the conclusions reached at these discussions were being implemented, but the statement is silent about the conclusions. May I know the conclusions that were arrived at at this inter-departmental meeting?

Shri Kanungo: As I said, some conclusions are such which can be implemented by the Government and some are such which require discussion with various authorities, like shipping, railways and others. The particular urgent reliefs in the matter of supply of raw materials as against exports and at reduced prices have been given and other steps are being discussed.

Shri Tangamani: May I know whether the after sales services as recommended by the Delegation have been set up in the Far Eastern countries and if so how many?

Shri Kanungo: Not yet. Some of the manufacturers are thinking of setting up after sales services.

Indo-Tibetan Trade

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*1069. { **Shri Hem Barua:**
Shri Bhakt Darshan:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1603 on the 11th April, 1958 and state:

(a) whether the negotiations with the Government of China regarding the difficulties in the payment of prices and other matters which are being faced by the Indian Traders in Tibet, have since been completed; and

(b) if so, the outcome of these negotiations?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). Negotiations are not yet complete. We have been advised to take up most of these questions with the authorities in the Tibetan region of China through our Trade Agents and Consul General at Lhasa. Efforts are being made in this direction. As regards the question of payment difficulties, consultations are going on between the Chinese and Indian banks in order to evolve a satisfactory method of payment.

Shri Hem Barua: May I know whether it is a fact that the Chinese authorities have imposed a total embargo on silver dollars and are issuing paper currency which is not acceptable to our traders? If so, is it one of the reasons for the decline of the Indian market in Tibet?

Shri Satish Chandra: I may say that restriction was imposed some time ago, but as far as the present is concerned there are no silver dollars at all in Tibet. They have now been replaced by paper currency. As far as the quantum of trade is concerned, the statistics available do not show that there has been a decline.

Shri Hem Barua: But the suspension of the silver dollars, issuing of the paper currency and in the meantime issuing of cheques on our banks which are not honoured here is one of the reasons for the decline of trade? That is why I put that question. I do not think his reply covers that.

Shri Satish Chandra: There has been no decline in the trade and the presumption of the hon. Member is not correct. There has not been a decline in trade. I could give him the figures. As against exports of Rs. 2,82,54,000 in 1956, the exports were Rs. 2,86,34,000 in 1957. The silver dollars are not there. If a country changes its currency system and silver dollar is not available but goods are available, then that matter cannot be helped. Of course, payment difficulties have to be looked into because the currency of one country is not good in the other.

Shri C. D. Pande: May I know whether the Government is aware that formerly there was a barter trade on our side of the border and borax and wool were given to this country in exchange of goods supplied from here? Now, they have put an embargo on export of wool and borax and therefore, the difficulty of currency also arises.

Shri Satish Chandra: It is true that some restrictions have been placed. Previously, on account of geographical factors the trade of Tibet flowed entirely in the direction of India. Now, there are good road connections between Tibet and China and they have slightly re-orientated their trade policy.

Shri Ranga: Is it a fact that India has a favourable balance of trade with Tibet and if so, are any arrangements being made by negotiations between Government and Government in order to see that whatever is due to India on balance can be taken in terms of Chinese goods through China?

Shri Satish Chandra: Negotiations are going on between the State Bank of India and the Chinese National Bank to evolve a satisfactory arrangement for the payment of these balances.

श्री भक्त दर्शन : मैं यह जानना चाहता हूं कि जिस गति से यह बातचीत चल रही है, उसके अनुसार देर से देर कब तक इस बारे में अन्तिम फैसला होने की बातचीत की आशा की जाती है ?

श्री सतीशचन्द्र : इसके बारे में कोशिश तो बहुत की जा रही है । अभी एक महीना भी नहीं हुआ जब चीन के कमर्शियल कौंसिलर से मिनिस्ट्री में बातचीत हुई ? बैंक से अलग बातचीत चल रही है । कोशिश की जा रही है लेकिन उसकी वजह से कोई तिजारत रुक गई हो, ऐसा नहीं है ।

Closure of Manganese Mines

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***1071.** { **Shri Panigrahi:**
Shri A. K. Gopalan:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether Government are aware of the reported closure of certain manganese mines including those in Shivrajpur, in the country;

(b) if so, the reasons for closure; and

(c) whether Government intends to appoint an Enquiry Committee to investigate the causes of the closure?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) Yes.

(b) The main reasons are:—

(i) Fall in the demand in the foreign market for the manganese ore.

(ii) Slump in the market for low-grade manganese Ore and working cost proving exhorbitant

(c) No.

Shri Panigrahi: In answer to one of our previous questions it was stated that nearly 136 manganese ore mines had closed. May I know the number of places where these manganese mines have been closed and the number of workers affected?

Shri L. N. Mishra: I cannot give the names of the places but in the year 1957 a total number of 54 manganese mines were closed and this year about 82 are reported to have been closed.

I cannot give the number of workers. I will require separate notice for that.

Shri Panigrahi: In one factory in Orissa more than 7,000 workers are unemployed.

Mr. Speaker: That is all right. What is it that he wants? The hon. Member has not got the facts.

Shri Panigrahi: 7,000 labourers are unemployed because of the closure of the mine.

Mr. Speaker: Hon. Member may put a question about what steps have been taken But to do what?

Shri Panigrahi: To see that mines start working.

Shri L. N. Mishra: It is not so easy as the hon Member says to get the mines opened, because the manganese ore mines are facing great difficulty due to the recession in the world market, specially because of the American recession. The situation is not very much encouraging at the moment.

Shri Bose: May I know whether it is a fact that these particular mines have been closed because of the bad quality of the manganese ore?

Shri L. N. Mishra: Yes, this is also one of the reasons

Shri Hem Barua: How far is the restriction on export trade responsible for the closing down of some of the manganese mines?

Mr. Speaker: What is the alternative? The hon. Minister has been saying that the world market does not want it. The hon. Member wants him to open these mines. What are they to do? Hon. Members must always put a question to lead to something constructive.

Shri Hem Barua: This restriction on the export trade is also responsible for closing down of the mine.

Mr. Speaker: All that everybody knows. The other man does not purchase. There is need for restriction. What is to happen in the circumstances? Hon. Members do not give constructive suggestions.

Shri Panigrahi: Mine-owners have given reasons for the closure of the mines. They say that it is because of the non-supply of wagons and discrimination to quota holders that the mines are closing.

Mr. Speaker: Then let him ask a question: Is it not due to non-supply of wagons and delay in the supply of wagons?

Shri Panigrahi: Yes, Sir. That is my question?

Mr. Speaker: But why should I suggest him a question?

The hon. Member wants to know whether this closure is due to the non-supply of wagons at the pithead for it to be removed in time.

Shri L. N. Mishra: Not to our knowledge. It is not for want of transport facilities.

Strike by All India Petroleum Workers' Federation

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***1072.** **Shri S. M. Banerjee:**
Shrimati Ila Palchoudhuri:
Shri Tangamani:
Shri Vajpayee:
Shri Ram Subhag Singh:

Will the *Minister of Labour and Employment* be pleased to state:

(a) whether it is a fact that the All India Petroleum Workers' Federation intend to call a general strike;

(b) if so, what are its demands; and

(c) the steps taken in the matter?

The Deputy Minister of Labour (Shri Abid Ali): (a) No.

(b) and (c). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 92.]

Shri S. M. Banerjee: It appears from the statement that representatives of the All India Petroleum Workers' Federation met the Labour Minister on 16th August, 1958. My information is that on an assurance from the Labour Ministry that a National Adjudication Tribunal will be considered, they postponed the strike. May I know whether the Labour Ministry is still considering the matter seriously and a tribunal will be appointed?

Shri Abid Ali: It is not correct to say that an assurance was given to the representatives of the Federation when they met us. Even after leaving the room immediately they announced about a token strike and all that.

Shri S. M. Banerjee: In this statement it is said that industrial relations in the oil distributing industry fall under the State sphere. May I know whether, during the strike if they did go on strike, the Centre will remain a concealed spectator or whether they will intervene? What is the outcome of the deputation which they led when they met the hon. Minister here?

Shri Abid Ali: We do not think there is any occasion for any strike. On the other hand, we have already received a letter from the Vice-President of the Federation from Madras saying that the matter is under negotiation. Several other unions have written to us that they are negotiating and if the Federation does not interfere too much, the local unions will be able to settle the matter with the oil companies region-wise.

Shri P. C. Bose: May I know the total number of petroleum workers and the number of the employers and whether there is a common rule to govern their service?

Shri Abid Ali: There are about 21,000 petroleum workers. There is no common service condition.

Shri P. C. Bose: The number of employers?

Shri Abid Ali: Five.

Shri Tangamani: In view of the fact that all these employees are under the three important petroleum companies, may I know whether the Government will consider the question of an All India tribunal instead of regional tribunals on two of the major demands, bonus and wages?

Shri Abid Ali: The number of employers is four. With regard to regional tribunals, the question does not arise because the unions are hopefull to conclude agreements with regard to bonus region-wise.

Shri Prabhat Kar: May I know whether it is a fact that the hon. Labour Minister had a discussion with the petroleum managements and it was agreed that a National tribunal may be appointed?

Shri Abid Ali: It is not true, as I said earlier, to say that there was any assurance given or agreement arrived at. The position is, I may repeat, that the unions in the regions are claiming that if the Federation does not interfere, there is considerable hope of getting an understanding arrived at between the workers and the oil companies with regard to bonus. In fact, in Bombay an agreement has been arrived at already and 50 per cent. of the workers have already received bonus.

Shri Tangamani: The hon. Deputy Minister says that when there is a Federation, the Federation should not interfere and the Unions alone should......

Mr. Speaker: It is not his view. He says that the unions are opposed to this and they do not want the interference of the Federation. That is what he says.

Shri Tangamani: I would like to know from the hon. Minister whether the majority of the workers are under the Federation or outside the Federation and whether it is not a fact that though a union entered into an agreement on the question of bonus in Bombay nearly four months ago, a majority of the workers have not still received bonus?

Shri Abid Ali: A majority of the workers in Bombay have received bonus. With regard to the other question whether a majority of the workers are in the Federation or not, as I have said earlier, the industrial relations concerning this industry are within the State sphere and we have not verified the claims of the various organisations. The Vice-President of the Federation, of which representatives met us, has written to us that this question should be left to be settled by the regions themselves.

Displaced Persons in Purana Qila

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*1073. **Shri S. M. Banerjee:**
Shri Tangamani:
Shrimati Renu Chakravartty:
Shimati Sucheta Kripalani:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether it is a fact that the rent of the tenements in Purana Qila Camp has been reduced;

(b) if so, what rent has now been fixed and the grounds on which the reduction has been made;

(c) what is the exact alternative accommodation given to displaced persons of the Purana Qila in lieu of their present accommodation;

(d) the terms on which this has been given;

(e) the number of them offered land; and

(f) the amount to be given by Government for the construction of quarters on those plots?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes.

(b) Rs. 4:50 nP. per month per tenement. The basic factor for the reduction of rent is that as the tenements are only temporary and are not to be allotted to the occupiers permanently only national value of the land has been included in the cost of construction.

(c) 135 displaced persons of Purana Qila have been given built-up accommodation and the rest have been offered small plots measuring about 100 sq. yds. in Lajpat Nagar. If an allottee has more than one tenement in his occupation in Purana Qila he is allotted two plots.

(d) The terms and conditions on which alternative accommodation has been given/offered to these displaced persons are the same as are applicable to other displaced persons under the Compensation Scheme.

(e) 554.

(f) Nil.

Shri S. M. Banerjee: May I know whether there was a request from the residents of Purana Qila for allotment of sites in Jungpura? What has happened to that? May I know whether that land has been taken back from the Ministry of Defence and whether the Rehabilitation Ministry is going to rehabilitate them there?

Shri Mehr Chand Khanna: This request is more than 2 or 3 years old. Several times this question has been asked and answered that that land is not available. It is with the Ministry of Defence.

Shri S. M. Banerjee: In this Press Information Bureau, Government of India Press Note issued by the Ministry of Rehabilitation, it is said:

> "Only 149 families have accepted small plots and they have been given six months' time to put up structures on their plots."

Then, it is said:

> "It has, therefore, been decided that those who do not accept plots offered to them by the end of July, 1958, will forfeit their right to priority treatment......"

May I know the circumstances why they did not actually take these plots, and whether the date is going to be extended to accommodate all those who are likely to be vacated from the plots?

Shri Mehr Chand Khanna: We have been trying to vacate the Purana Qila for the last 3 or 4 years. A large number of offers have been made and even assurances given which have not been honoured A number of families have already moved. Others have been offered plots which have been accepted. We cannot continue to keep these offers open indefinitely. I want this problem to be resolved.

Shrimati Renu Chakravartty: As far as we know, the refugees in Purana Qila have actually built up their houses at the time of the earlier Rehabilitation Minister May I know whether, to those who have been given plots of land in Lajpatnagar, house building loans will also be made available from the Ministry?

Shri Mehr Chand Khanna: The information that the hon. Member is trying to supply to the House is incorrect. That is number one. So far as loans are concerned, I have already replied in the negative.

Shri Tangamani: The hon. Minister said that 135 families have accepted the offer and they have moved to some other place. What is the total number of families still in Purana Qila and whether the number is not 566 families?

Shri Mehr Chand Khanna: According to my information, the number is 554. Of them, I believe, 177 have already accepted the offer.

Shri S. M. Banerjee: The hon. Minister said that they have been offered plots. May I know whether it is a fact that plots have been offered at the rate of Rs. 14 per square yard and that no amount has been sanctioned to them for construction of the house? They have spent a lot of money there. How are they going to construct houses?

Shri Mehr Chand Khanna: This very question has been answered by me in reply to a question by Shrimati Renu Chakravartty. These tenements have been built at Government cost. In the beginning a small sum of Rs. 100 each, for each tenement, I believe,....

Shri S. M. Banerjee: In Purana Qila?

Shri Mehr Chand Khanna: I am talking of Purana Qila. ....they deposited that amount in advance, I think, about 8 or 10 years ago. Credit for that amount was given in rent. The price of a tenement may be Rs. 1,200 or 1500 each—I am talking from memory. Only about Rs. 100 and odd were given by each allottee at that time. As regards the loan, we are not giving any more loans. The loan scheme has been stopped a long time ago. If these gentlemen want to take advantage of the loan scheme of the Works, Housing and Supply Ministry, they are welcome to do that.

Mr. Speaker: Next question

Shri Naval Prabhakar: One question Sir.

Mr. Speaker: I have allowed a number of questions. Did he get up then?

श्री नवल प्रभाकर : माननीय मंत्री जी ने कहा है कि १७७ व्यक्तियों ने हमारी आफर को मन्ज़ूर कर लिया है । मैं यह जानना चाहता हूं कि जिन लोगों ने आप को आफ़र को मंज़ूर कर लिया है, उन को क्या सुविधायें दी जायेंगी—उन को बने हुए मकान दिए जायेंगे या कुछ और दिया जायेगा ।

श्री मेहर चन्द खन्ना : माननीय सदस्य ने शायद सवाल का जवाब नहीं सुना । मैं ने कहा है कि हम उन को कम्पन्सेशन स्कीम के तहत लाजपतनगर में प्लाट दे रहे हैं । जैसे दिल्ली में और भाइयों को—लाखों शरणार्थियों को—हम ने सुविधायें दी हैं, उन को भी उसी किस्म के कन्सेशन्ज़ मिलेंगे ।

श्री नवल प्रभाकर : जिन के कम्पेंसेशन नहीं हैं, उन का क्या होगा ?

श्री मेहर चन्द खन्ना : जिन के कम्पेंसेशन नहीं हैं, वे नान-क्लेमेंट होंगे । जिन का पाकिस्तान में भी अपना मकान नहीं था, वे हिन्दुस्तान में भी किरायेदार रहें, तो कोई हर्ज नहीं है ।

Patel Nagar Colonies

*1674. **Shri B. K. Gaikwad:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the replies given to Unstarred Question No. 778 on the 5th September, 1955 and Starred Question No. 1804 on the 5th September, 1956 and state:

(a) whether the actual costs of two roomed houses built in South Patel Nagar and three roomed houses built in East Patel Nagar have since been finalised;

(b) if so, when they were finalised and the final cost for a house of each of the above mentioned categories; and

(c) if the reply to part (a) be in the negative, reasons for the delay?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes

(b) 20th June, 1957. The final cost of a two roomed house at South Patel Nagar is Rs 6,404 and that of a three roomed house at East Patel Nagar is Rs. 5,871.

(c) Does not arise.

Shri B. K. Gaikwad: May I know why there is this difference between the two?

Shri Mehr Chand Khanna: The difference in the cost of a house can be attributed to many factors. The contracts invited at different times vary. The cost of construction every now and then varies as there is fluctuation in the market. And then a very important factor is the filled-up soil. If you are building on a place where a lot of filling has to be done, then, naturally, the cost of foundation has to be bigger.

Handloom Rebate

***1076. Shri Subodh Hansda:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the special rebate on sales of Handloom cloth in addition to normal rebate of 6 nP. per rupee has increased the sale of Handloom cloth since April, 1958;

(b) if so, by what percentage; and

(c) the total amount spent by Government to meet the amount of special rebate given to various handloom retail shops or weavers co-operative societies.

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) Accurate figures for the entire Handloom Sector are not available but reports from certain apex and primary societies show that the sales in the period May-June increased by about 5 to 40 per cent. from the sales for the March-April period. The reports for subsequent periods are not yet available.

(c) Expenditure on the special additional rebate is estimated at Rs. 15 lakhs per month.

Shri Subodh Hansda: The hon. Minister has just stated that the sale of handloom cloth has increased. May I know, then, why the special rebate is not continued throughout the year?

Shri Kanungo: Then it will cease to be special.

Shri Subodh Hansda: What is the present rebate per rupee?

Shri Kanungo: The rebate is six *naye paise*.

Shri Subodh Hansda: Why is there so much difference in the rebate between handloom and Khadi? In the case of khadi it is three annas per rupee, but in the case of handloom it is only six *naye paise*.

Shri Kanungo: It is obvious that the cost of production of khadi is much higher than ordinary handloom cloth.

Shri Ramanathan Chettiar: May I know whether the present rebate has been extended, and if so, for how many months?

Shri Kanungo: The extension or otherwise of the rebate is under consideration.

Shri Tangamani: May I know whether the Government have received representations from the Madras State Handloom Co-operatives that the rebate should be extended from August till the end of December because November will be an important month, *viz.*, the month of Deepavli?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): We have received a large number of letters and telegrams, but as the Minister of Commerce has said, the matter is under the consideration of the Government just at present.

Shri Damani: May I know whether the Government has received some complaints of misuse of this rebate; if so, what action has been taken to check the misuse?

Shri Lal Bahadur Shastri: We have received no specific complaints.

Shri Jadhav: At the time of the last general election, the rebate was given of 12 *naye paise* per rupee. May I know what is the reason for discontinuing it, and whether there are demands by the people that it should be retained as it was?

Shri Kanungo: The hon. Member's information is not correct. The additional rebate was granted only in April, 1958.

Mr. Speaker: Hon. Members will weigh their words. This creates the impression that in 1957 due to the elections the rebate was granted. The mischief is done.

Shri Tyagi: For how long do Government intend to continue giving rebate to this industry?

Shri Kanungo: The continuance of the additional rebate is under consideration.

Shri Tyagi: I want to know about the total rebate given. For how long does Government intend to continue this rebate system?

Shri Kanungo: I cannot answer that because it will depend upon the stabilisation of the handloom industry before its discontinuance is taken up.

Shri Ranga: Is it not a fact that this rebate has been given for the last six years and that the All-India Handloom Boasd has been pressing the Government not only to retain the rebate, but to increase it if possible?

Shri Kanungo: The Handloom Board from time to hime has given different advice. At one time the Handloom Board was of the opinion that the rebate should be gradually reduced and completely eliminated, and the funds released could be used for developmental purposes to get better results.

Shri Thimmaiah: May I know whether the rebate is allowed also to handloom exported?

Shri Kanungo: It is only allowed to the co-operative societies.

Mr. Speaker: Is it for internal consumption or for export also? Possibly co-operative societies may also export.

Shri Kanungo: Yes, Sir. It is only to co-operative societies.

Mr. Speaker: The point is whether it is for internal consumption or export. The contract is between use here and export.

Shri Lal Bahadur Shastri: It will be for both internal consumption as well as export and it is for the co-operative societies.

Mr. Speaker: Whether for internal consumption or export?

Shri Lal Bahadur Shastri: Yes.

Mr. Speaker: 1077. Shri K. N. Pandey.

Shri Mulchand Dube: I have been authorised by Shri Pandey to put this question.

Mr. Speaker: The hon. Member is aware that after all the questions are over, he will have his turn.

Trade with West Germany

***1078. Shri Jinachandran:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 560 on the 27th February, 1958 and state what special efforts are being made by Government to step up our exports of coffee, pepper and textiles to West Germany?

The Minister of Commerce (Shri Kanungo): A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 93.]

Shri Jinachandran: In view of the fact that there is large scope for expansion of our export to Germany and in view of the fact that very few of our businessmen are operating in Germany, may I know what steps Government are going to take to strengthen our commercial publicity and personal contact with German trade?

Shri Kanungo: The only trade organisation which will tie up the governmental efforts with commercial bodies will be established in Hamburg very soon. The details are being worked out.

Shri Jinachandran: Some time back a trade delegation went to Gormany. Have they submitted any report, and will it be placed on the Table of the House?

Shri Kanungo: Yes, Sir. As a result of that valuable report, Government are taking steps to set up a trade organisation of a new kind in Hamburg.

Shri Jinachandran: My question has not been answered. I asked whether the report would be laid on the Table of the House.

Shri Kanungo: No, Sir. It is available in the Library.

Finance for Tea Industry

*1079. **Shri P. C. Borooah:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 134 on the 17th May, 1957 and state:

(a) the steps so far taken by Government on the decisions taken by the Conference held in Calcutta on 12th April, 1957 to find a practical solution to the problem of finance for the Tea Industry; and

(b) the number of tea estates so far benefited thereby?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 94.]

Shri P. C. Borooah: May I know whether the working group set up by the conference recommended that both short-term working finance and block loans to the industry should be given by the same agency, and for that purpose the State Bank was mentioned? May I know what steps the State Bank has taken in this respect?

Shri Satish Chandra: The State Bank has said that it will be able to give loans for block capital, that is to meet the long-term requirements, only if the Refinance Corporation is able to re-lend that money to the State Bank. The Refinance Corporation has now been established, and the matter is being negotiated between the State Bank and the Refinance Corporation.

Shri Hem Barua: Is it a fact that the Central Government has advised the Government of Assam to assume legal powers for taking over all the tea gardens that have closed down and to run them by allocating funds from the tea cess collections? If so, is it one of the practical solutions to the problem?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Yes, it is true that some suggestion was made on those lines and the Minister concerned in the Assam Government also met us once or twice. We had asked him to send his suggestions in black and white, which he has done. But it is not very easy to formulate legislation on that matter. In fact, the Minister is here today and I am discussing with him this afternoon.

Shri P. C. Borooah: May I know whether the Plantation Inquiry Commission has suggested that there should be a Finance Committee of the Tea Board, and if so, whether any steps have been taken for the formation of such a Committee?

Shri Satish Chandra: A proposal has come from the Tea Board that an *Ad Hoc* Committee may be appointed. Government are considering that proposal.

Short Notice Question

Disturbances in Rourkela Steel Plant Area

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8. { **Shri Panigrahi:**
Shri N. R. Munisamy:

Will the Minister of **Steel, Mines and Fuel** be pleased to state:

(a) whether recently large-scale disturbances took place in Rourkela Steel Plant area;

(b) whether a large number of workers were arrested because of these disturbances;

(c) to what extent this has affected the progress of construction work of the steel plant; and

(d) the causes of such frequent disturbances in Rourkela Steel Plant area?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) to (d). There were some disturbances on the 16th and 18th August, 1958, in the labour camps of some contractors of the Rourkela Steel Plant. The trouble which arose out of a trivial incident of mis-behaviour by a drunken man took an undesirable turn and there was tension between two sections of labourers resulting in some clashes.

About 150 persons have been arrested as a result of these disturbances and the Orissa Police have started proceedings against them.

These disturbances have not affected the progress of work in the Steel Plant.

Adequate police and security measures have been taken and the situation is now normal.

Shri Panigrahi: May I know whether the local Magistrate, of the Rourkela Steel Town, and the company authorities are looking into the management? If so, has the Government of Orissa brought to the notice of the Central Government any difficulty arising out of these dual authorities functioning in the Town? If so, what steps have been taken to relieve the situation?

Sardar Swaran Singh: I do not think there and dual authorities functioning there. Each authority has its defined functions.

Shri Panigrahi: Recently it has been reported in the local prominent dailies in Orissa that the Resident Director has issued a direction in which he has stated that people of Orissa should not be taken in the security staff of the company. It was after the issue of such a directive that this enmity between two sections of people took place in the town. Is this a fact?

Sardar Swaran Singh: I think it is not correct that there is any enmity between the people as such. Reports in Press do appear from time to time of various and varying nature, and it is not easy for anybody to be able really to criticise or authenticate the reports one way or the other.

Shri Panigrahi: My question was whether any such directive to the effect that the people of Orissa should not be recruited to the security staff of the company was issued?

Sardar Swaran Singh: I do not suppose there could be any such directive. (*Interruptions*).

Mr. Speaker: He has no knowledge about it.

Shri Supakar: Has the attention of Government been drawn to an article in the June issue of *Filmindia* to the effect that the liberties of women there are being taken and photographs of women in different postures are being sent to Germany to attract people from Germany? Has this been inquired into?

Mr. Speaker: No, no; it has nothing to do with these disturbances (*Interruptions*).

Shri Supakar: Disturbances occur from time to time on account of these things happening.

Shri Nath Pai: Emotional disturbances.

Mr. Speaker: Anybody who reads our proceedings will get a lurid picture of what is happening. We all belong to this country, whoever may be the rulers and the ruled. Therefore, credence ought not to be given to such reports. If anything comes to the notice of any hon. Member which, *prima facie*, is obnoxious, nobody will allow it to be discussed, whatever rank or whatever party one may belong to. It is rather oppressive. All such information may certainly be communicated to the Minister, and if the Minister does not take action, certainly we will try to do our best. So far as this matter is concerned, it does not directly arise out of this question.

Shri Supakar: Disturbances occur on account of these small things.

Mr. Speaker: The hon. Member must not connect with this question other matters unconnected with this.

Sardar Swaran Singh: At any rate, the disturbances have got nothing to do with the article that unfortunately appeared in Filmindia.

Mr. Speaker: The hon. Minister will kindly look into this matter. Though technically I rule out suggestions during Question Hour, I occasionally allow some. All suggestions will kindly be taken note of and whenever another occasion arises, if there is any misunderstanding regarding the administration, that will be cleared up.

Shri Panigrahi: No such disturbances are taking place in Bhilai and Durgapur. What is the cause of such disturbances taking place frequently in Rourkela?

Mr. Speaker: He does not admit there are frequent disturbances. The hon. Member is assuming.

WRITTEN ANSWERS TO QUESTIONS

Processing of Coconut husk

***1057. Shri Vasudevan Nair:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that machines are now used in Kerala for processing husks (coconut) resulting in the displacement of labourers and deterioration in the quality of fibre;

(b) whether the Government of Kerala have requested the Government of India to take steps to ban the use of such machines for processing husks; and

(c) if so, the steps taken thereon?

The Deputy Minister of Commerce and Industry, (Shri Satish Chandra): (a) to (c). A statement is laid on the Table of the House. [*See* **Appendix IV, annexure No. 95.**]

Airlines Corporation in Nepal

***1060. Shri Bibhuti Mishra:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Nepal Government have set up their own Airlines Corporation;

(b) if so, what would be the position of the Associate of Indian Airlines Corporation; and

(c) the terms of settlement with the Indian Government?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) The contract between the I.A.C. and the Associate was termined in accordance with the terms of the Agreement signed between the I.A.C. and the Associate, and the Associate ceased operations of internal air services in Nepal from 1.7.58.

(c) No settlement was called for as there was no agreement between the Government of Nepal on the one hand and the I.A.C. or the Government of India on the other, in respect of air services within Nepal. The I.A.C. themselves had earlier expressed their unwillingness to continue to operate the internal air services in Nepal. It was because of this fact that the Associates were required to operate the internal services on behalf of the I.A.C. as an *ad hoc* measure until the Government of Nepal were ready with their own alternative arrangements.

पाकिस्तान और गोआ के बीच व्यापार तथा वायु करार

*१०६२. { **श्री डामर :**
सरदार इकबाल सिंह :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि पाकिस्तान और गोआ के बीच हाल में हुए व्यापार तथा वायु करारों के संबंध में भारत सरकार का क्या दृष्टिकोण है ?

वैदेशिक-कार्य मंत्री के सभा सचिव (श्री सादत अली खां) : पाकिस्तान इस बात के लिए स्वतंत्र है कि वह अपनी मर्जी के मुताबिक दूसरे देशों के साथ किसी भी प्रकार की व्यापार व्यवस्थाएं अथवा संधियां करे। भारत सरकार को तो सिर्फ इस बात का अफसोस होता है कि उनकी कुछ व्यवस्थाएं जाहिर तौर पर भारत के प्रति घृणा के भाव से की जाती हैं। भारत के लोगों की तरह, पाकिस्तान के लोगों को भी पिछले ज़माने में विदेशी शासन के अधीन रहने का अनुभव हुआ है और दोनों ने ही औपनिवेशिक शासन का दृढ़ता के साथ विरोध किया है। इसलिए, आश्चर्य होता है जब पाकिस्तान सरकार एक ऐसी नीति बरतती है जिस से गोआ पर पुर्तगाल के औपनिवेशिक आधिपत्य को समर्थन मिलता है।

Portuguese Possessions in India

*1064. **Shri Vajpayee:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Portuguese Government have decided to replace Indian rupee by the Esendo as the monetary unit of their possessions in India.

(b) if so, its repercussions; and

(c) the steps Government propose to take or have taken in the matter?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) We have seen press reports saying that the Portuguese Government have decided to introduce from 1st January 1959 "Escudo", instead of Portuguese rupia, as the unit of currency in the Indian territories under Portuguese possession.

(b) and (c). Since the Indian rupee ceased to be a legal tender in these areas a few years ago, the proposed change in the name only of the unit of currency may not have any adverse effects on the Indian economy. It may, however, have some undersirable political consequences and we are considering what action the Government of India can and should take to avoid these.

Nuclear Tests

*1066. **Sardar Iqbal Singh:**
Shri Raghunath Singh:

Will the **Prime Minister** be pleased to state:

(a) the names of countries who supported India's proposal in the U.N. Assembly for suspension of nuclear and thermonuclear test explosions; and

(b) the stage at which the matter rests now?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). During the last session of the General Assembly, 23 countries supported India's proposal for the suspension of nuclear and thermonuclear test explosions. They are: Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon Czechoslovakia, Egypt, Finland, Ghana, Gautemala, Hungary, Indonesia, Iran, Mexico, Morocco, Nepal, Poland, Rumania, Sudan, Syria, Ukranian Soviet Socialist Republic, Union of Soviet Socialist Republics and Yugoslavia. Thus, including India's own vote, the Indian draft resolution received 24 votes, but 34 countries voted against; 20 abstained. The resolution was, therefore, not adopted.

Express Newspapers Building

*1070. **Shrimati Renu Chakravartty:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that Messers Express Newspapers Ltd., have been permitted to rent out the premises in New Delhi as against the terms on which land was sold on concessional rates; and

(b) if so, on what basis and what are the terms of new agreement?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 96.]

Closure of Third Shift in Textile Mills in Madras State

*1075. **Shri Anthony Pillai**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any Textile mills in Madras State have threatened closure or stoppage of the third shift;

(b) if so, the names of the mills; and

(c) the number of workmen affected?

The Minister of Commerce (Shri Kanungo): (a) to (c). No cotton textile mill in Madras State has threatened to close its third shift. However, a statement showing the cotton textile mills totally or partially closed in Madras State and the number of workers affected is laid on the Table of the House. [*See* Appendix IV, annexure No. 97.]

Interim Relief to Workers

*1077. **Shri K. N. Pandey**: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that the workers of those Industries for which Wage Boards have been formed are demanding interim relief pending receipt of final recommendations of the Wage Boards; and

(b) if so the step taken by Government in the matter?

The Deputy Minister of Labour (Shri Abid Ali): (a) Wage Boards have been set up for Cotton textiles, Sugar and Cement industries. But a demand for interim increase in wages has been made only on behalf of workers in the Sugar industry.

(b) The resolution received from the Indian National Sugar Mills Workers Federation urging interim increase in wages of workers in the Sugar Industry has been forwarded to the Wage Board.

Diesel Engines

*1080. **Shri V. C. Shukla**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the attention of Government has been drawn to the reported production of a lighter and less noisy diesel engine in Britain which is complete with conversion sets for different makes of cars in the 11—18 H.P. range giving an average run of about 50 miles on a gallon of oil;

(b) whether it is a fact that the British manufacturers of the above new diesel engine have also a factory in India; and

(c) if so, whether Government contemplate giving suitable facilities to enable the said factory to manufacture the same type of diesel engines and cars in India?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) The Hon'ble Member is apparently referring to a recent commercial news item that M|s. F. Perkins Ltd. of the United Kingdom have developed a new 4-cylinder diesel engine called the Perkins 'Four-99'. The Government have no other details.

(b) No, Sir. They have only a collaboration agreement with a firm in Madras for the production of some of their other diesel engines.

(c) Does not arise.

Rationalisation of Jute Mills

*1081. **Shri Rameshwar Tantia**: Will the Minister of **Labour and Employment** be pleased to state the number of workers affected on account of rationalisation of the jute mills.

The Deputy Minister of Labour (Shri Abid Ali): 1239.

Textile Industry

*1082. **Shri Damani**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether some relaxation in the credit facility to textile industry has been granted; and

(b) if so, how far the industries have benefited therefrom?

The Minister of Commerce (Shri Kanungo): (a) and (b). In order to relieve the difficulties of the textile industry, which was recently faced with heavy accumulations of stocks, the State Bank and the Scheduled Banks were requested to reduce the margin of security against loans and advances to the mills. The Banks have generally agreed to provide this additional financial accommodation by reducing the margin from 25 per cent to 10 per cent wherever possible. Although it is not possible to state precisely how far the mills have benefited from these facilities, it is understood that mills, particularly up-country mills, have derived considerable relief by this accommodation.

Evacuee Deposits in Criminal Courts

*1083. **Sardar Iqbal Singh**: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether there is any arrangement between the Government of India and the Pakistan Government for the transfer of evacuee deposits in Criminal Courts;

(b) if so, the details thereof and

(c) the progress made so far under this arrangement?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes.

(b) Under these arrangements movable property including money deposited by evacuees in criminal courts of either country are to be restored on a reciprocal basis. For this purpose claims are invited and exchanged between the two Governments for verification by the courts concerned.

(c) Claims were invited by means of a Press Note issued on 5th November, 1957. Out of 106 claims thus received, 79 claims of the value of Rs. 9·76 lakhs (approximately) have been forwarded to Pakistan for verification. The result of enquiry is awaited. The remaining claims will be forwarded to Pakistan as soon as complete particulars are received from the applicants.

Office Accommodation in Calcutta

*1084. **Shri Tridib Kumar Chaudhuri:**
Shri Ghosal:

Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the estimated area of office accommodation in the city of Calcutta required by the Union Government and what proportion of the area required has been secured by the Government uptil now;

(b) whether there is any proposal to shift some of the Government's offices to suburban Centres outside Calcutta and to construct buildings for housing these offices and also to provide residential accommodation for employees working in these offices; and

(c) which are the suburban centres considered for this purpose and whether any land accommodation are likely to be secured in these places in the near future?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a)

Rrequirements	27·31 Lakhs Sft.
Availability	25·36 Lakhs Sft.

(b) and (c). The Government have under consideration a proposal to acquire some land at Kalyani for construction of office and residential accommodation.

Textile Exports to Middle East

*1085. **Shri Hem Barua**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that India's position has recently deteriorated in the textile markets of the Middle East countries like Egypt, Iraq, Iran

Lebanon etc. due to competition from Russia; and

(b) if so, what steps Government have so far taken to improve our trade position in that area?

The Minister of Commerce (Shri Kanungo): (a) This is perhaps true in the case of Iran, largely because of the special arrangements Iran has made with her neighbour.

(b) All efforts are being made to maintain our position in the export markets including those in the countries of the Middle East.

Handloom and Cottage Industry Products

***1086.** **Shri S. M. Banerjee:**
Shri Tangamani:
Shri Halder:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is a great demand of our handloom and other Cottage Industry products in foreign countries;

(b) if so, which country in particular; and

(c) the steps taken to increase our export?

The Minister of Commerce (Shri Kanungo): (a) and (b). The greater portion of the demand for our handloom products is from our traditional markets in Malaya, Ceylon and East Africa. In respect of other Cottage Industries some of the major importing countries are United Kingdom, West Germany and U.S.A.

(c) The following steps have been taken to improve exports:

(i) Participation in exhibitions and fairs in foreign countries;

(ii) Publicity by establishing showrooms, marketing emporia in foreign countries and by issuing newsletters

(iii) Setting up an Handloom Export Organization to develop the export market;

(iv) Inclusion of Cottage Industries goods in the Trade Agreements concluded with foreign countries;

(v) Market Surveys, Registration of Exporters, Introduction of the Quality Marking Scheme and establishment of Design Centres;

(vi) Sending delegations abroad and inviting similar delegations to India; and

(vii) Concessions in exports duties.

Fellowships for Atomic Training

***1087. Sardar Iqbal Singh:** Will the **Prime Minister** be pleased to state:

(a) whether India has offered five fellowships to underdeveloped countries through International Atomic Energy Agency; and

(b) the names of the countries to which the fellowships have been awarded?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) Yes.

(b) The fellowships have not yet been awarded.

Unemployment due to Import Restrictions

***1088.** **Shri Tridib Kumar Chaudhuri:**
Shri Hem Barua:
Sardar Iqbal Singh:

Will the Minister of **Commerce and Industry** be pleased to state whether Government are in a position to give any tentative figures about the extent of unemployment caused in the following industries arising out of import restrictions:

(i) Engineering industries;

(ii) Textiles;

(iii) Jute?

The Minister of Commerce (Shri Kanungo): There has been some unemployment due to restricted supply of imported raw materials in some industries. This particularly applies to the Engineering Industries where most of the industries are dependent on imported raw materials. However, Textiles and Jute, which the Hon'ble Member has referred to, have suffered no unemployment on this account.

It has not been possible to make any statistical evaluation of unemployment due to import restrictions.

Foreign Capital Investments

***1089. Shri Hem Barua:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government are approving those industrial schemes only, which are likely to involve foreign collaboration resulting in an inflow into India of foreign capital on a long-term basis; and

(b) if so, what are the industries in which foreign collaboration is anticipated and the extent thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 98.]

Pakistan's War Propaganda

***565. Shri Harish Chandra Mathur:** Will the **Prime Minister** be pleased to state:

(a) whether Government proposes to issue any white paper on Pakistan's War Propaganda against India similar to the one issued in 1951; and

(b) if so, when?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Government do not propose to issue a white paper on the subject.

Import of Newsprint

1697. Shri V. P. Nayar: Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table showing the details of licences issued for the import of newsprint for the current and two immediately preceding licensing periods to the following newspapers:

(1) the Indian Express Group of papers,

(2) the Hindu, Madras,

(3) the Hindustan Times Group,

(4) the Times of India Group of papers?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): A statement is laid on the Table of the House. [*See* Appendix IV annexure No. 99.]

Army Boots

1698. Shri S. M. Banerjee: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number and names of the private concerns at Kanpur manufacturing Army boots;

(b) the number of pairs manufactured by them for Army during 1957-58; and

(c) the prices thereof?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) and (b).

Name of firm	Pairs Supplied
1. Messrs. British India Corporation (P) Ltd., Cooper Allen Branch, Kanpur.	3100
2. Messrs. Cawnpore Tannery Ltd., Kanpur.	Nil
3. Messrs. A. K. Brothers, New Delhi (Factory at Kanpur).	1,60,223
4. Messrs. Ruby Industries, Kanpur.	67,620

5.	Messrs. Army and Police Equipment Supply Coy., Kanpur.	51,430
6.	Messrs. Kohli Industrial Corporation (P) Ltd., Kanpur.	20,203
	Total	3,02,586

(c) Approx. value Rs. 51,15,000.

Displaced persons in Tripura

1699. **Shri Dasaratha Deb:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the total number of pre-1954 displaced persons in Tripura who have not yet been paid their reclamation loan though they have been paid agricultural loan and allotted land for cultivation;

(b) what are the reasons for delay in full payment of these reclamation loans; and

(c) what steps are being taken to expedite payment of these loans?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) 1757 families.

(b) and (c). 1611 families were not paid land reclamation cost, as they are not eligible for the same inasmuch as either they do not stay in the colony, or only reside in the colony but are doing business in or outside the colony. In either case they have not reclaimed the land. The loan to the remaining 146 families will be advanced within this year.

Cycle Factories in Orissa

1700. **Shri P. G. Deb:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government propose to give financial aid to Orissa for the establishment of four cycle factories in the State;

(b) if so, the amount sanctioned and the recommendation of the Centre in regard to the allocation to these factories in the State;

(c) whether it is a fact that the Government of Orissa have decided to set up these factories at Cuttack only; and

(d) if the reply to part (c) is in the negative, the location thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) No, Sir.

(b) Do not arise.

(c) No, Sir.

(d) The State Government have selected 4 parties, each engaged in the manufacture of a set of different components. These units are complementary to one another. The location of the units has been left to the parties concerned. One of the four units is located at Cuttack and two others will be located at Bargah and Parlakimedi (Orissa State). The fourth party has not yet settled the location of the unit.

Wholesale Depots in Bombay

1701. **Shri Pangarkar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of wholesale depots opened in the year 1957-58 for the sale of goods produced by the Small Scale Industries in Bombay State;

(b) the number of depots proposed to be opened during 1958-59;

(c) their location; and

(d) the income that accrued from them?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) to (d). Information is being collected and will be laid on the Table of the House in due course.

Leather Co-operatives in Marathwada (Bombay)

1702. **Shri Pangarkar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the places where the leather co-operative societies are located in the Marathwada region of Bombay;

(b) the nature of assistance given to them by the Centre so far; and

(c) the description of articles manufactured by them?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Leather Co-operative Societies in the Marathwada region of Bombay are located at the following places:

District Tuljapur

Andora.

District Osmanabad

Gujjoti, Lohara, Murum, Latur, Dhoki, Hadolti, Parenda, Amedpur, Omerga, Kamjara.

District Bhir

Bhir, Borkhal, Patoda, Bavi, Moregaon, Pali, Gunda, Mominabad, Rainapur, Kada.

District Parbhani

Parbhani, Pathare, Manwat, Tadkalas, Narsi, Wadepur, Hingoli.

District Nanded

Nanded, Ghadaj, Batmugra, Mukhed, Deglur, Bhokar, Mugat, Osmanagar.

District Aurangabad

Udmapeth.

(b) No assistance is given directly by the Centre to these societies. During 1957-58, the Central Government placed an amount of Rs. 15,29,000 at the disposal of the Bombay State Government as a block loan. Out of this amount, the Bombay Government placed an amount of Rs. 2,00,000 at the disposal of these six Central financing agencies of the Marathwada region for sanctioning loans to Industrial Co-operatives under the State Aid to Industries Rules. Five societies of leather workers and tanners were given loans aggregating Rs. 11,790 by the Central financing agencies out of these amounts. Besides, the Department of Cottage Industries of the Bombay Government disbursed Rs. 10,789 as subsidy and Rs. 9,220 as loan to four tanners' societies and the then All India Khadi and Village Industries Board gave Rs. 8,250 as grant and Rs. 9,750 as loan during 1955-56 to the Leather Industrial Co-operative Society, Mominabad.

(c) The Societies manufacture various articles such as chappals, belts, leather bags, ankle boots, and tanned hides.

Weavers' Co-operatives in Marathwada (Bombay)

1703. **Shri Pangarkar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of weavers' co-operatives formed in the Marathwada region of Bombay;

(b) how many such co-operatives have got credit facilities from the Reserve Bank of India; and

(c) the number of handlooms converted into powerlooms so far in the above region?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) 42.

(b) None.

(c) None.

Textile Mill, Kota (Rajasthan)

1704. **Shri Onkar Lal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the textile mill at Kota is not functioning; and

(b) if so, the reasons therefor?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). Yes, Sir. Shri Gopal Industries, Kota (formerly Kotah Textiles Ltd.) has remained closed since 24th June, 1957. Continuous losses have been given by the mills as the main reason for the closure.

Small Scale Industries in Rajasthan

1705. **Shri Onkar Lal:** Will the Minister of **Commerce and Industry** be pleased to state the number of small scale industries to be established in Rajasthan in order to help create employment during 1958-59 and 1959-60?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): No definite target has been fixed about the small scale industries to be newly established during 1958-59 and 1959-60. However, with the establishment of a net work of Industrial Estates, the State Government expects that about two hundred small scale industries may be started during this period in the Industrial Estates.

Glass and Manganese

1706. **Shri Onkar Lal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total quantity of glass and manganese ore produced in India during 1957-58; and

(b) the total quantity of glass and manganese exported to foreign countries during the above period (country-wise)?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Glass.—The information is given in the statement laid on the Table of the House. [*See* Appendix IV, annexure No. 100.]

Manganese.—1,456,000 tons.

(b) Two statements showing the quantities of manganese ore and glass exported during the period respectively are laid on the Table of the House. [*See* Appendix IV, annexure Nos. 101 and 102.]

Tanneries in Rajasthan

1707. **Shri Onkar Lal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of tanneries specialising in prime-tanned hides and skins in Rajasthan; and

(b) the number of skilled workers in those tanneries?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). The information is being collected from the Government of Rajasthan and will be placed on the Table of the House.

Dock Labour Boards

1708. **Shri Anthony Pillai:** Will the Minister of **Labour and Employment** be pleased to lay a statement showing:

(a) whether the Dock Labour Boards have accepted and implemented those items of the Government of India's resolution on the Chaudhury Committee's Report on Port and Dock Workers which are applicable to the cargo handling labour employed by the Port authorities; and

(b) if so, to what extent?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). Shri Chaudhury did not make any recommendations in respect of workers of the Boards. The Government's resolution on Shri Chaudhury's report does not, therefore, automatically apply to those workers. Government has, however, made the following recommendations to the Boards:—

(1) *Attendance Money.*—The Bombay and Madras Dock Labour Boards are already allowing their reserve pool workers attendance money at the rate of Rs. 1·50 per day. The Calcutta Dock Labour Board was advised to increase the rate of this money from Re. 1 to Rs. 1:50 per day and the Board has agreed to this.

(2) *P.T.O. concession.*—The Boards were advised to extend the P.T.O. concession as applicable to the Central Government employees to the staff and workers of the Boards. The matter is under their consideration.

(3) *Leave facilities.*—The Calcutta and Madras Dock

Labour Boards have been advised to adopt the leave rules of the Bombay Dock Labour Board, which are more favourable. This is receiving the attention of the respective Boards.

(4) *Retirement benefits.*—The Bombay and Madras Dock Labour Boards have been advised to take into account the processing allowance in the case of their piece-rated workers for the purpose of calculating contributions towards Provident Fund and Gratuity. This is receiving their attention.

(5) *Shifts.*—The three Dock Labour Boards have been advised to follow the practice on the shore side in respect of shifts. The Bombay and Calcutta Dock Labour Boards have agreed to this while the Madras Dock Labour Board is considering the matter.

Small Scale Industries in Punjab

1709. **Shri Ram Krishan:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 3431 on the 7th May, 1958 and state the main recommendations of the Central investigation team appointed to undertake a systematic study of the conditions of small scale industries in Punjab?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 103.]

Trade with Foreign Countries

710. **Shri Ram Krishan:**
Sardar Iqbal Singh:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of the countries with which there has been increase in the volume of India's trade during the years 1957-58 and 1958-59 (upto 31st August, 1958); and

(b) the names of the countries with which there has been decrease in the volume of India's trade during the same period?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 104.]

Leather Co-operative Societies in Punjab

1711. **Shri Ram Krishan:**
Sardar Iqbal Singh:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of the places where the leather co-operatives societies are located in Punjab;

(b) the description of articles manufactured by them; and

(c) the nature of assistance given to them by Centre so far?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 105.]

(b) Tanned leather, Desi Shoes and Glue etc.

(c) The following financial assistance was given by the Centre upto 31st March 1958:

Loan—Rs. 3,54,220
Grants—Rs. 3,03,500.

Air-Conditioning in Government Buildings

1712. **Shri V. P. Nayar:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total cost of air-conditioning done in buildings owned by or constructed for the Government of India since the commencement of the First Plan to the end of 1957-58; and

(b) the cost so incurred in Delhi and New Delhi?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) and (b). The expenditure incurred on the installation of centralized air-conditioning plants in the buildings owned by or constructed for the Government of India in Delhi and New Delhi, in the General Pool, since the commencement of the First Plan to the end of the financial year 1957-58, is about Rs. 22 lakhs. No expenditure was incurred during this period on air-conditioning of Government buildings, in the General Pool, in other places in the country.

Displaced persons near Bagichi Madhodas, Delhi

1713. Shri Radha Raman: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether it is a fact that displaced persons residing in tenements near Bagichi Madhodas, Delhi are not provided any amenities like electricity and water and that limited water supply made available to them was cut off for some time; and

(b) the Government's final proposal for rehabilitating displaced persons residing in these tenements and in tenements near Purdah Garden?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Water supply is available to the displaced persons residing in these tenements. The supply was cut off by Delhi Municipal Corporation for a short period, because the allottees did not pay the water charges. The supply was restored on an undertaking being given by the Association of the allottees that payment will be made regularly in the future. The question of cutting off electricity does not arise as these tenements have not been provided with electricity by this Ministry.

(b) There is no programme of future construction by the Ministry of Rehabilitation, in Delhi. The problem providing permanent houses for the residents of these colonies will be considered by the Delhi Administration along with the overall problem of slum clearance, removal of congestion and housing in Delhi.

Import of Raw Material

1714. Shri Tridib Kumar Chaudhuri: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government have decided to include six more industries *viz.* (i) fruit and vegetable preservation, (ii) biscuits and confectionery, (iii) cocoa and butter, (iv) pearl barley, (v) corn flakes and rolled oats, and (vi) cigarettes in the list of industries to which licences are granted for the import of raw materials under the export promotion scheme after the publication of Current Red Book about Import Trade Control Policy for the licensing period April to September, 1958;

(b) whether the names of these industries were included in the said list on the advice of the Export Promotion Advisory Council or on the basis of an *ad hoc* departmental decision;

(c) the value of the total volume of exports for each of these industries; and

(d) what is the estimated value of raw material requirements of these industries?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir.

(b) On the basis of Government's decision taken in the light of the general advice of the Export Advisory Council and the Export Promotion Committee.

(c) A statement is laid on the Table of the House. [*See* **Appendix IV, annexure No. 106.**]

(d) A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 107.]

Export of Plantago Ovata Husk (Sat Isabgol)

1715. **Shri Daljit Singh**: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 3476 on the 7th May, 1958 and state the countries from which India is facing competition in the export of Plantago Ovata Husk (Sat Isabgol)?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): As far as is known, France is the only Competitor and to a very limited extent.

Small Scale Industries in Punjab

1716. **Sardar Iqbal Singh**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a survey has been undertaken in Punjab for the promotion and expansion of Small Scale Industries there; and

(b) if so, the steps taken so far to implement the findings of the aforesaid survey?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 108.]

House Collapse in Delhi

1717. **Shri T. B. Vittal Rao**: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether it is a fact that a house in Delhi under the charge of Custodian collapsed in the first week of July, 1958;

(b) whether some of the residents of that house died; and

(c) if so, the steps taken to repair that house in charge of the Custodian?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes.

(b) Yes.

(c) Due to collapse of a portion of the property, the remaining structure was affected badly. The building was demolished by the Municipal Corporation. A small portion still left has been inspected by our engineering staff who have advised its demolition also. As such the question of further repairs to this building does not arise.

Peaceful Uses of Atomic Energy

1718. **Sardar Iqbal Singh**: Will the **Prime Minister** be pleased to refer to the reply given to Unstarred Question No. 682 on the 27th February, 1958 regarding Second Conference on peaceful uses of Atomic Energy to be held in Geneva and state:

(a) the number of papers to be presented by the Indian Scientists;

(b) the nature of subjects dealt with in each of these papers; and

(c) the authors of these papers?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Fifty-nine.

(b) and (c). A statement giving the required information is laid on the Table of the Lok Sabha. [*See* Appendix IV, annexure No. 109].

Students for Atomic Studies in Germany

1719. **Sardar Iqbal Singh**: Will the **Prime Minister** be pleased to state:

(a) whether West German Government have offered scholarships for Atomic studies in that country; and

(b) if so, whether any students have been sent to Germany on such scholarships?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) Not yet. Two scholars, however, have been selected and are expected to leave for West Germany shortly.

Indians in Nigeria

1720. Sardar Iqbal Singh: Will the **Prime Minister** be pleased to state:

(a) the number of Indians in Nigeria, Africa; and

(b) the occupations they follow?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Accurate statistics are not available. It is estimated that the number of Indians now in Nigeria, including wives and children, is 200 approximately.

(b) Most of them are engaged in business, mainly textiles, in a proprietary, managerial or clerical capacity. About six Indians are employed in educational institutions.

Prices of Motor Cycles

1721. Sardar Iqbal Singh: Will the Minister of **Commerce and Industry** be pleased to state how the prices of the motor cycles manufactured in the country compare with those of the imported motor cycles?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): The prices of motor cycles manufactured in the country compare favourably with those of the imported ones, as will be seen from the table below:—

Capacity	List price of indigenously produced motor cycle.	Last known sale price of motor cycles of foreign manufacture (at Delhi)
150 c.c.	Rs. 1,995/-	Ranging from Rs. 2,600/- to Rs. 3,000/- for different makes.
350 c.c.	Rs. 3,559/-	Ranging from Rs. 4,000/- to Rs. 4,800/- for different makes.

Export of Iron and Manganese

1722. Sardar Iqbal Singh: Will the Minister of **Commerce and Industry** be pleased to state the amount of foreign exchange earned by India separately through the export of iron and manganese ores during 1955-56, 1956-57, 1957-58 and 1958-59 so far?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): The required information is furnished below:—

(Value in lakhs of Rupees)

Year	Iron Ore	Manganese Ore.
1955-56	698	1668
1956-57	1003	2581
1957-58	1186	2868
1958-59 (April-June)	248	347

Children's Films

1723. Sardar Iqbal Singh: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of children's films produced so far and their titles; and

(b) the agencies which are exhibiting those films?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). The Central Board of Film Censors do not make any categorisation of films as Children's films. It is, therefore, not possible to give precise information of the number of children's films produced so far in India. However, a list of the films produced by the Films Division and the Children's Film Society specially for children is given below:—

Title of the film	Name of producers	Agencies which are exhibiting them
1. Merry Go Round	Films Division	Copies of these Children's magazines are made available by Films Division to the public on loan for non-commercial distribution. Copies are also supplied to the Children's Film Society for exhibition along with other films and also to the Central Film Library. Copies are also sold to the public on payment.
2. Balchitramala		
3. On the Sea Shore		
4. Soviet Circus		
5. A Day to Remember	Do.	Besides the distribution mentioned above this was circulated in the cinema houses by the Films Division.
6. Jaldeep	Children's Film Society.	These films are being exhibited by the Society and by the State Children's Film Committees in special shows in cinema houses and through mobile vans of Education, Information and other Government Departments. The educational and cultural institutions possessing 16 mm projection equipment are supplied with copies of these films on nominal hire by the Children's Film Society.
7. Char Dost		
8. Ganga ki Lahren		
9. Bachchon Se Baaten		

Pakistanis' Visit to India

1724. Sardar Iqbal Singh: Will the **Prime Minister** be pleased to state the number of Pakistani Citizens who came to India from West and East Pakistan with passports during 1955-56 and 1957-58 month-wise?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The figures are given in the statement laid on the Table of the House. [*See* Appendix IV, annexure No. 110.].

Tea Cultivation

1725. Sardar Iqbal Singh: Will the Minister of **Commerce and Industry** be pleased to state the area under tea cultivation in the country at the end of 1955-56, 1956-57 and 1957-58 in each State?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): Information in respect of area under tea cultivation in each State at the end of 1955-56 and 1956-57 is given in the statement laid on the Table of the House. [*See* Appendix IV, annexure No. 111]. Figures as on 31-3-1958 are not yet available.

Indian Boat Looted by the Pakistan Forces

1726. **Pandit D. N. Tiwary:**
Shri Raghunath Singh:
Shri Rajendra Singh:
Shrimati Parvathi Krishnan:
Shri Assar:
Shri S. M. Banerjee:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Pakistani armed forces on the 5th July, 1958, attacked Surma sector on the Cachar-Sylhet border, looted a loaded boat and arrested the boatmen;

(b) the nature of the reply given by the Pakistan authorities on the protest by the Union Government and the State Government of Assam; and

(c) the number of persons arrested in the boat and damage caused to the goods?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes, Sir. An Indian boat, along with its cargo and crew, was seized by Pakistan armed forces on the 5th July, 1958, when it was proceeding along the Surma river.

(b) As a result of portests lodged both at the Central and State Government levels, the Pakistani authorities released the boat, its cargo and the crew.

(c) There were only two boatmen, who were detained and subsequently released. No damage to the cargo has been reported.

Sugar Factories

1727. **Shri Jadhav:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there are any units of sugar factories running at present in the small scale sector;

(b) if so, what are the expenses for installing a unit of this type;

(c) how much cane is crushed per day;

(d) what type of sugar is being produced in the units;

(e) whether it is a fact that no licence is necessary and no excise duty is levied for such units; and

(f) whether Foreign Exchange is available for importing the machinery required by such units?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir. The Hon'ble Member is presumably referring to open pan sugar factories using the sulphitation process.

(b) and (c). About Rs. 75,000 for open pan sugar factory of an average capacity of crushing 500 mds. of cane per day.

(d) Granulated white sugar (Khandsari).

(e) Yes, Sir.

(f) No foreign exchange is necessary as imported machinery is not required for the establishment of Khandsari Units.

Purchases of Stationery Stores

1728. **Shri Tridib Kumar Chaudhuri:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) what were the total amounts of the Union Government's purchases of stationery stores in 1954-55, 1955-56, 1956-57 and 1957-58;

(b) what proportion of these stores was purchased abroad and what proportion in India; and

(c) the proportion of imported goods out of those purchased in India?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): A statement giving the required information is laid on the Table of the House. [*See* Appendix IV, annexure No. 112].

Ahmedabad Cotton Waste Merchants Association

1729. Shri Vajpayee: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Ahmedabad Cotton Waste Merchants Association has urged the Government of India to abolish export duties on cotton waste both hard and soft; and

(b) if so, the action taken thereon?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir.

(b) The request has been noted.

Small Scale Industries in Assam

1730. Shri Basumatari: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the progress made by the Small Scale Industries Organisation in Assam;

(b) whether the Organisation has put up any extension centres in Assam; and

(c) the total amount asked for and the amount actually paid to the State Government annually for Small Scale Industries?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 113].

Jamsar Gypsum Mine, Rajasthan

1731. Shri P. L. Barupal: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the labourers working in Jamsar Gypsum Mines in Rajasthan are getting certain facilities according to Payment of Wages Act and the Mines Acts from the Company; and

(b) if so, what are the facilities?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) (i) The Payment of Wages Act ensures that wages actually disbursable to workers are disbursed within the prescribed period and that the wages of workers are paid to them without deductions of any kind except those authorised by or under the Act.

(ii) The details of the statutory facilities provided under the Mines Act and Rules made thereunder at the Jamsar Gypsum Mine are given below:—

(1) *Health and Sanitation*:

(i) Drinking water.

(ii) Surface Latrines and Urinals provided but not of approved design.

(iii) General sanitation: good

(2) *First Aid etc.*

(i) An ambulance van for the speedy removal of serious cases of sickness and accidents to hospitals.

(ii) Adequate number of First Aid personnel is appointed.

(iii) Ambulance room and doctor.

(iv) Two first aid stations.

(v) First Aid outfits to the officials on duty.

(3) *General Welfare measures.*

(i) Rest shelters but not of the approved design.

(ii) Canteens but not of the approved design.

(iii) A qualified welfare officer has been appointed.

(4) *Mines Creche Rules.*

(i) An approved "B" type Creche for 20 children.

(ii) Equipments and furniture.

(iii) Trained staff.

(iv) Register of medical examination of children and of suckling mothers is maintained.

हरिजन विस्थापित लोगों को ऋण

१७३२. श्री प० ला० बारूपाल : क्या पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या राजस्थान में हरिजन विस्थापितों को दिये गये सब ऋण (जिनमें तकावी ऋण भी सम्मिलित हैं) माफ कर दिये गया है; और

(ख) यदि नहीं, तो सरकार ने प्रति परिवार कितनी राशि माफ कर देने का निश्चय किया है ?

पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री (श्री मेहर चन्द खन्ना) : (क) जी नहीं।

(ख) राजस्थान के हरिजन शरणार्थियों को कोई खास रियायत नहीं दी गयी है। पश्चिमी पाकिस्तान के शरणार्थियों को आम तौर पर नीचे दिये गये कर्जे माफ़ कर दिये गये हैं।

(१) पंजाब के बाहर ज़मीन पर बसाये गये प्रत्येक शरणार्थी काश्तकार (दावेदार और ग़ैर-दावेदार) परिवार को २५२ रुपये तक की तक़ावी का भाग जिसे फ़ड लोन कहते हैं।

(२) देहाती इलाकों में बसाये गये ग़ैर-दावेदार दस्तकार शरणार्थियों को ग़ैर-काश्तकारी कामों के लिये ३०० रुपये तक के देहाती कर्जे।

(३) छोटे शहरी क़र्ज़ों की योजना के अधीन ३१-३-५४ तक, ग़ैर-दावेदार शरणार्थियों को उद्योग, व्यवसाय और व्यापार के लिये ३०० रुपये या कम रकम के कर्जे।

(४) विदेशों में शिक्षा के लिये कर्जों को छोड़ कर ३१-३-५४ तक ग़ैर-दावेदार शरणार्थियों को दिये गये शिक्षा के लिये सब प्रकार के कर्जे चाहे वह कितनी रकम के हों।

(५) ११-२-५७ तक ग़ैर-दावेदार विधवाओं को सिलाई की मशीनें खरीदने के लिये दिये गये कर्जे चाहे प्रत्येक विधवा को ३०० रुपये से भी अधिक मिले हों। ये आज्ञाएं उन विधवाओं को भी लागू होती हैं जिन्हें राज्य सरकार द्वारा दी गयी सिलाई की मशीनों की कीमत कर्जों के रूप में दी गयी थी।

Rehabilitation work in Tripura

1733. **Shri Dasaratha Deb:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state the *total cost of the work done by* the Contract Division of the Relief and Rehabilitation Department in Tripura, in 1957-58?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): About Rs. 2.79 lakhs.

State Trading Corporation of India (Private) Ltd.

1734. **Shrimati Renu Chakravartty:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total value of imports by the State Trading Corporation of India (Private) Ltd. up-to-date;

(b) the total value of contracts for imports but not actually imported;

(c) the number of concerns in the private sector which have received the assistance of the State Trading Corporation in the matter of imports up-to-date;

(d) the value of such imports on account of the concerns in the private sector; and

(e) the names of the private firms and private parties which have been so assisted together with the description of the commodities imported by each and the value thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Rs. 21,83,68,635.

(b) Rs. 17,05,93,291.

(c) 84.

(d) Rs. 8,26,78,750.

(e) It will not be in the business interest of the Corporation to give the names of the firms. However a list of the commodities imported together with their value on account of the firms in private sector is laid on the Table of the House. [*See* Appendix IV, annexure No. 114].

Automatic Stove Manufacturing Factory

1735. **Shri Pangarkar**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to establish an automatic stove manufacturing factory in India;

(b) if so, when and where it will be set up; and

(c) whether any foreign company is collaborating in the above project?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) to (c). In December, 1957, a proposal was received for the establishment of an auto-safe stove factory at Bombay in collaboration with a foreign firm.

The proposal was not approved by Government, and the party was advised to enter into collaboration with the existing manufacturers of Stoves & Oil Pressure Lamps in the country rather than set up a new factory.

Export of Animals

1736. **Sardar Iqbal Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have placed a ban on the export of wild life;

(b) if so, the names of animals and their kind which are banned and also the names of countries to which these are banned; and

(c) the names of animals and their kind whose export is allowed and the names of the countries to which these are to be exported?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes, Sir; on a few species.

(b) and (c). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 115].

Development of Sewing Machine

1737. **Shri Daljit Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of Punjab has submitted any scheme for the development of Sewing Machines industry in the State; and

(b) if so, whether any amount has been allotted to the Punjab State for implementing such schemes?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) A scheme for the establishment of a Central Workshop at Bassi for the manufacture of Sewing machines and parts was submitted by the erstwhile PEPSU Government in 1954-55.

(b) A sum of Rs. 1,73,250 was given by way of loan, by the Central Government in connection with this scheme. Again in 1958-59, a sum of Rs. 21,564 has been granted for a Quality Marking Centre for cycles and sewing machine parts at Malerkotla.

Besides, block loans amounting to Rs. 43,00,000 were sanctioned to the Punjab Government during 1956-57 and Rs. 24,00,000 in 1957-58 for disbursement as loans to small scale industrial units under the State Aid to Industries Act. Information is, however, not available as to the amounts disbursed by the State Government out of these loans to enterprises engaged in the manufacture of sewing machines and parts thereof.

Tea Trade

1738. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the export trade of tea has made any progress after the setting up of the Tea Board; and

(b) if so, the details thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). The Tea Board was set up on the 1st April, 1954. Since then, exports were:—

1954-55	459.6 m lbs.
1955-56	405.1 m lbs.
1956-57	513.9 m lbs.
1957-58	422.7 m lbs.

These fluctuations are the result of several factors like the international situation and the position of supply and demand in the world market over which the Board has no control. Sustained effort is however made by the Board to maintain exports of tea.

Indian Sufferers of Great War in Burma

1739. Sardar Iqbal Singh: Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 10 on the 11th November, 1957 and state the progress since made in securing payment of compensation to the Indians who had to suffer losses in Burma during the last Great War?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): There has been no progress in this matter since then.

Automatic Looms for Punjab

1740. Sardar Iqbal Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of automatic looms allotted to Punjab State so far; and

(b) whether these looms were allotted to the spinning mills alone or to the textile mills with weaving plants?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Licences under the Industries (Development and Regulation) Act, 1951 were issued for the installation of 462 automatic looms in the State of Punjab.

(b) These looms were allotted to two composite units.

Afghan Nationals in Bombay

1741. Shri Pangarkar: Will the Prime Minister be pleased to state:

(a) the number of Afghan nationals in Marathawada region of Bombay State;

(b) how many of them have not renewed their passports;

(c) how many of them have purchased land and house property in contravention of rules;

(d) how many such persons have purchased property illegally in Jalna city district Aurangabad; and

(e) what action Government propose to take in such cases?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We have called for the information from the Government of Bombay. It will be placed on the Table as soon as it is available.

Vegetable Oils

1742. Shri Sadhu Ram: Will the Minister of Commerce and Industry be pleased to state:

(a) total production of edible vegetable oils during the year 1957;

(b) whether there was any export of these vegetable oils;

(c) if so, the quantity and value thereof; and

(d) the names of the countries to which exported?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Production of edible vegetable oils *viz.*, groundnut oil, mustard oil, sesamum oil, cottonseed oil, coconut oil, kardiseed oil, nigerseed oil in 1957-58 was 15·5 lakh tons.

(b) Yes, Sir.

(c) 9,200 tons valued at Rs. 145 lakhs.

(d) Aden, Australia, West Germany, Hong Kong, Italy, U.K. and Netherlands.

Employment Exchanges

1743. Shri Daljit Singh: Will the Minister of Labour and Employment be pleased to state the number of ladies registered with the Employment Exchanges as on 31st July, 1958?

The Deputy Minister of Labour (Shri Abid Ali): 78,991.

Small Scale Industries in Himachal Pradesh

1744. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether any amount of loan has been given for the development of Small Scale Industries in Himachal Pradesh by the Himachal Pradesh Administration to (i) individuals and (ii) Co-operative Societies during 1958-59 so far; and

(b) if so, the details thereof?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). Information is being collected and will be laid on the Table of the House in due course.

Consumption of Paper

1745. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state what has been the consumption of paper in India during the last three years (year-wise)?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

		Tons
1955-56	—	236,540
1956-57	—	242,418
1957-58	—	250,518

These figures are based on the figures of indigenous production and imports, exports being negligible.

Commissions/Committees

1746. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state the names of commissions and committees which worked under the Ministry of Commerce and Industry during the period from the 1st January to the 31st July, 1958?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 116.]

Indian Trainees in U.S.A. and U.S.S.R.

1747. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether any Indian trainees are undergoing training at present in industrial establishments in U.S.A. and U.S.S.R.; and

(b) if so, the nature of such training and the number and names of the industrial establishments in which they are undergoing training?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Yes Sir.

(b) The information is being collected and will be laid on the Table of the House in due course.

Closure of Paper Mills

1748. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state the paper mills which remained closed during this year upto the 31st July, 1958?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): None, so far as Government are aware.

Art Silk Yarn

1749. Shri P. R. Ramakrishnan: Will the Minister of Commerce and Industry be pleased to state:

(a) how much art silk yarn is consumed by the handloom sector; and

(b) the extent to which the handloom sector would be affected by the imposition of restrictions on its import?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) Information is not available.

(b) Due to import restrictions, all classes of consumers of art silk yarn *viz* the powerlooms, handlooms, manufacturers of hosiery and gasmantles etc. are experiencing difficulty. Separate information is not available regarding the extent to which the handloom sector would be affected by the restrictions on the import of art silk yarn.

However, all possible steps are being taken to ensure equitable distribution of art silk yarn to the handloom sector *vis-a-vis* other sectors.

Trade with Japan

1750. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the value of our exports to Japan during 1958 so far;

(b) the value of our exports to Japan during the corresponding period of 1957; and

(c) the causes of decline if any, in our exports?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix IV, annexure No. 117].

(b) Due to a slacking of demand there has been a general decline in Japan's imports of commodities such as raw cotton, iron and steel scrap, manganese ore and coal. This has affected exports from India also.

Fertiliser Plants in the Private Sector

1751. Shri Subbiah Ambalam: Will the Minister of Commerce and Industry be pleased to state:

(a) the names of fertiliser plants in the private sector in India;

(b) whether there is any foreign collaboration in these plants;

(c) if so, to what extent in each of them; and

(d) the annual production capacity of each of them, and the actual production during the years 1956, 1957 and 1958 so far in each of them?

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri): (a) and (d). A statement giving the names and capacities of the fertilizer plants in the private sector is laid on the Table of the House [*See* Appendix IV, annexure No. 118]. The actual production in each of the plants cannot be disclosed under Section 7 of the Collection of Statistics Act, 1953. The total production for the years 1956, 1957 and 1958 is given below:—

I. Nitrogenous Fertilizers (Ammonium sulphate):

1956	56,225 tons
1957	46,411 tons
1958	58,800 tons (estimated)

II. Phosphatic Fertilizers (Superphosphate):

1956	81,170 tons
1957	141,678 tons
1958	157,300 tons (estimated)

(b) No, Sir.

(c) Does not arise.

Rents of Lands

1752. Seth Achal Singh: Will the Minister of **Planning** be pleased to state:

(a) the prevailing rents of Chahi and Rosli lands in Delhi Administration's various zones before 1953-54;

(b) the rate per acre at which the evacuee lands in rural areas of Delhi have been auctioned; and

(c) the rate at which Government will receive compensation in respect of evacuee land in which Bhoomidhari rights have been granted to tenants in Delhi area?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) The Delhi Administration have reported that rates of cash rents prior to 1950-51 were as follows:—

Assessment Circle	Chahi	Rosli
	Rs.	Rs.
Delhi (Urban)	40	15 per acre
Bangar	3	1 ,,
Shahdara	3	3 and 6/- per acre
Khadar	4	3 per acre.
Dabar	4	1·50 nP. ,,
Kohi	2	2 ,,
Khandrat	6	4 ,,

Produce rents varied between one-fourth to one-half of the gross produce.

As Jamanbandis etc. have not been compiled since 1950-51 information for subsequent period is not readily available.

(b) Information is being collected and will be placed on the Table of the Lok Sabha as soon as it is available.

(c) Bhoomidhari rights have been conferred on tenants in respect of such evacuee lands as were held by them under lease or agreement entered into before the 15th August, 1947. The evacuee lands which came to be held by tenants after August 15, 1947 have been saved from the provisions of the Delhi Land Reforms Act and no rights accrue to tenants under the Act in respect of such lands. No distinction is made between evacuee lands and non-evacuee lands with regard to rates of compensation payable by tenants for acquisition of bhoomidhari rights. The rates provided in the Act are as follows:—

Class of tenants	Compensation payable
1. *Superior class of tenants* viz.	4 times the land revenue together with cesses and local rates.
(*a*) Occupancy tenants under Section 5 of Punjab Tenancy Act with rights of transfer by sale.	
(b) Tenants holding land under Patta Dawami or Istamrari with rights of transfer by sale.	
2. *Tenants with permanent and heritable rights* viz.	8 times the land revenue together with cesses and rates.
(*a*) Occupancy tenants other than those under Section 5 of the Punjab Tenancy Act.	
(*b*) Tenants holding land under Patta Dawami or Istamrari without a right to sell.	
(*c*) Expropriетary Tenants in Shahdara circle.	
3. *Non-occupancy Tenants* viz.,	16 times the land revenue together with cesses and rates.
(*a*) Rent free grantees or grantees at favourable rate of rent.	
(*b*) Non-occupancy tenants who pay rent at revenue rates with or without Malikana.	
(*c*) Non-occupancy tenants, including tenants of over twelve years in Shahdara Circle.	
(*d*) Tenant grove holders.	
4. *Tenants of 'Sir' and Sub-tenants.*	20 times the land revenue together with the cesses and local rates.

In the case of tenants in categories 2, 3 and 4 above the amount of land revenue for purposes of assessment of compensation, shall be one-half of the amount of rent payable or deemed to be payable in the fasli year immediately preceding the commencement of the Act. Where half the amount of rent is less than the actual amount of land revenue then payable, the land revenue shall be the said actual amount of land revenue, and where the said half the amount of rent is greater than twice the actual amount of land revenue, the land revenue shall be twice the actual amount of land revenue. The compensation is thus not to exceed 40 times the actual amount of land revenue payable before the commencement of the Act.

Prime Minister's Relief Fund

1753. Shri Arjun Singh Bhadauria: Will the **Prime Minister** be pleased to state:

(a) the amounts contributed yearly to the Prime Minister's Relief fund since its inception;

(b) the class of persons and organisations which are entitled to aid out of the fund;

(c) the rules and regulations governing allocations out of the fund to various parties;

(d) whether the accounts of the aforesaid fund are checked and audited by the A.G.C.R. regularly; and

(e) whether any irregularities have been pointed out in its administration?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) A statement showing yearly contributions received and payments made out of the Prime Minister's National Relief Fund since its inception in November, 1947 up to 30th June, 1958 is laid on the Table of the House. [*See* Appendix IV, annexure No. 119].

(b) Normally moneys from the Prime Minister's National Relief Fund are disbursed to Governors and/or Chief Ministers of States. In certain cases, grants have been given to well known social serivce organisations such as the United Council for Relief and Welfare, of which the President of the Republic is the Chairman. In the early stages of the Fund, most of the moneys were utilised for providing relief to displaced persons from Pakistan. In recent years, the Fund has been mainly utilised to provide relief in areas affected by natural calamities such as floods, drought, earthquake, etc. Governors and/or Chief Ministers of States use their discretion in regard to actual provision of relief from funds placed at their disposal by the Prime Minister's National Relief Fund.

(c) There are no fixed rules and regulations governing allocations out of the Prime Minister's National Relief Fund. Disbursements are made at the discretion of the Prime Minister.

(d) The Prime Minister's Relief Fund does not attract the legal or constitutional responsibilities of the Comptroller and Auditor General or the Accountant General Central Revenues. The audit of the Prime Minister's National Relief Fund is conducted regularly every year by Messrs. S. Vaidyanath Aiyer & Co., New Delhi, a firm of Chartered Accountants on the approved list of the Government of India. This firm was recommended by the Union Ministry of Finance.

(e) No irregularities have been pointed out in the administration of the Fund by the auditors since the inception of the Fund. It might be mentioned in this connection that no one except the Prime Minister himself is authorised to operate on the account of the Prime Minister's National Relief Fund.

Accreditation of Press Correspondents

1754. Shri Arjun Singh Bhadauria Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of persons who applied for accreditation to the Government of India as representatives of the foreign Press during 1958, and the names of the papers on whose behalf the accreditation was sought;

(b) the facilities provided to the representatives of the foreign Press pending disposal of such application; and

(c) the number of applications out of them that were accepted and the number which were refused?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Sixteen. A statement of names of the papers, on whose behalf the accreditation was sought, is laid on the Table of the Lok Sabha. [*See* Appendix IV, annexure No. 120]. Acceditation is granted on the recommendation of the Central Press Accreditation Committee consisting of representatives of All India Newspapers Editors Conference and Indian Fedration of Working Journalists to whom all applications are referred under the Rules.

(b) Normally, no facilities are provided to correspondents pending accreditation except supply of press material. In cases where it is anticipated that the qualifications of the correspondent and the standing of the newspaper are likely to qualify for accreditation, Principal information officer has been authorised by the Accreditation Committee to extend provisional accreditation by the Committee.

(c)

Accepted.	12
Refused.	1
Pending consideration by the Accreditation Committee.	3

Plan Publicity in Orissa

1755. Dr. Samantsinhar: Will the Minister of Information and Broadcasting be pleased to state:

(a) the names of the dramatic troupes in Orissa which have been given plan publicity dramas in the year 1957-58;

(b) how many original Oriya dramas have been selected uptil now for plan publicity;

(c) on what principles these parties are selected; and

(d) the total amount spent in the year 1957-58 in Orissa for publicity through dramas?

The Minister of Information and Broadcasting (Dr. Keskar): (a)

1. Janta Rangamanch, Cuttack.
2. Annapurna Theatre 'A' Group, Puri.
3. Annapurna Theatre 'B' Group, Cuttack.
4. Natyasree Theatres, Station Bazar, Baripanda.
5. Boys Cultural Club, Balugan.
6. Chandra Kala Theatres, Sangora.
7. Samaj Seva Sangh, Bhanjanagar, P.O. Ganjam.
8. Gopabandhu Dramatic Club, Balkati.
9. Bakdevi Natya Sangh, Badla Manga, P.O. Yagatsinghpur.
10. Binapani Club, Old Bhubaneswar.
11. Bimla Club, Bhubaneswar.

(b) One.

(c) The parties are selected, in each case, on the basis of their standing and ability to stage publicity plays effectively, the requirements of the area and the audience to be served. Attention is, however, drawn to a reappraisal of the present policy which is being considered and according to which only two or three very select and efficient troupes might be given this work so that the performance and the activities can be supervised more closely and effectively.

(d) Rs. 3,907·25 nP.

12·06 hrs.

MOTIONS FOR ADJOURNMENT

CALLING OF ARMED CONSTABULARY IN U.P. ASSEMBLY TO RESTORE ORDER

Mr. Speaker: I have received notices of three adjournment motions. *Prima facie*, they are out of order. But inasmuch as some hon. Members have given notice of these, I am reading them out. A number of adjournment motions has been tabled thinking that we have jurisdiction over this matter.

The first is by Shri H. N. Mukerjee, Shrimati Renu Chakravartty and Shri V. P. Nayar—

> "The serious situation that has arisen as a result of the persistent violation of the democratic and constitutional rights and the failure of the Government of the State of Uttar Pradesh to ensure the proper conditions for the functioning of the Constitution and of parliamentary democracy".

The second is by Sarvashri Braj Raj Singh, S. M. Banerjee, Jagdish Awasthi, Tangamani and Hem Barua—

> "Manhandling by the Armed Constabulary of hon. Members of the Legislative Assembly, Uttar Pradesh, within the precincts of the House, thereby creating conditions in the State of U.P. which virtually amounts to the failure of the constitutional machinery in the State".

The third is by Sarvashri Nath Pai and Jadhav. It relates to:

> "Action of the authorities in the U.P. Government bringing into ridicule parliamentary institution, denial of the rights conferred under the Constitution on the Opposition, abuse of police power to throttle and suppress legitimate expression of opinions, the total effect of which has been in lowering the rights of parliamentary democracy and thus undermining people's faith in democracy".

My *prima facie* reaction is this. I would like to hear one hon. Member from each Party, the Communist and PSP. I would like to know three things. Two relate to the breakdown of constitutional democracy outside the legislature and constitutional democracy inside the legislature. I understand it that way. Outside the legislature, it relates to the food situation. Whenever there is some inconvenience in regard to food and disturbances, we read of arrests. I read the Magistrate's report yesterday that some Members including Members of Parliament were arrested, because they wanted to advocate forcible entry into grain shops and so on.

Shri Braj Raj Singh (Firozabad): Here the matter is different.

Mr. Speaker: In that case, it is a matter of law and order. How is it a constitutional breakdown, unless the police are unable to handle the situation?

Then inside the House, a number of adjournment motions were tabled and then they were disallowed. Some Members took exception to this. When the Speaker asked them to go, they refused to go. Then he called some police. He was not able to handle the situation himself. What else could he do? He asked them to go once, twice. *Prima facie*, what is the justification for me to take note of it?

Then what is the default on the part of this Government? Whatever may be the situation there, this House only condemn the Government here. The House condemn a default on the part of Government. I must be sure about it. Otherwise, there is no purpose of discussion.

Secondly, this is a continuing affairs; the food situation and arrests have been there all along.

Shri Braj Raj Singh: That is different matter.

Mr. Speaker: Everyday arrests take place. Even though it is a new affair, it is only in continuation of the policy on food with respect to which there has been action on one side and complaint on the other. This is a continuous and general breakdown and we do not exercise jurisdiction ordinarily. I disallowed two adjournment motions already relating to Kerala. With respect to some notices of a motion I have asked for various particulars and I am not immediately rushing to the House saying that we shall go on with it or otherwise. I do not wish that this House should snatch jurisdiction over the States. Under these circumstances, if any hon. Member wants to say anything on these three points I have mentioned he will speak. Does Mr. Dange want to say anything?

Shri Braj Raj Singh *rose*—

Mr. Speaker: The order of procedence goes to Mr. Dange.

Shri S. A. Dange (Bombay City—Central): Sir, I wish to raise the point of the immunity of the Members of the Legislature in general from attacks when they are performing their duties. The fact is, twice this Assembly in U.P. was adjourned. During the adjournment periods, Armed Constabulary entered the House, attacked the Members, dragged them out—some of them having sat there—and the House was cleared. I want to raise the point whether such a practice conforms to democratic standards. Supposing a Member refuses to be named and to go out of the House, is it proper, is it Constitutionally proper and is it a democratic practice that Armed Constables should be brought in and the House cleared in this way? Is this not an attack....

Mr. Speaker: If the Member refuses to go and creates disturbance--we will assume it hypothetically and I am not accepting this version or that—and the Speaker has decided rightly or wrongly and the hon. Member persists and refuses to go, lies down or does some such thing, what is the Speaker to do? He sends for the Marshal. The Marshal is unequal to the task. What will the hon. Member do in such circumstances?

Shri S. A. Dange: In the debate which took place here, the serious situation and disturbance arising out of food were proposed to be relieved by the Leader of the House by an all-party discussion and a conference. If the Members developed such a serious situation in the proceedings of that particular Assembly, it would have been easy to call and the parties together and discuss the issue and relieve the deadlock. Immediately to call in the Armed Constabulary, to my mind, is a matter of being too much in love with the use of arms.

One can understand—I do not know whether it is justified or not—the calling of the Armed Constables against strikers and workers; but now the use is being extended against the Assembly Members also and I do not know where it will end. Therefore, there should be discussion on that level, whether such a practice is correct or not. May be it is a constitutional point on which there is no ruling. May be the Speakers' Conferences which are held annually have not perhaps discussed this problem at all.

Mr. Speaker: We never contemplated any such situation arising.

Shri S. A. Dange: I would like to place before the House a telegram which I have received from Shri A. K. Gopalan who is a Member of this House. The telegram is addressed to me and it reads as follows:

> "Parliamentary democracy has almost come to a standstill in U.P. today. Some thirteen MLAs

[Shri S. A. Dange.]

arrested. Raj Narain MLA and other MLAs. dragged out; while dragged out were kicked, abused and beaten. Altogether twenty MLAs arrested...." (*Interruptions*)

Mr. Speaker: Let us hear the hon. Member.

Shri S. A. Dange: There are enough armed constables here also outside.

An Hon. Member: They will not be called in.

Shri S. A. Dange:

> "....Out of six opposition leaders, four in jail and fifth suspended for fifteen days. After lunch two very controversial bills passed in thirty minutes, first reading of a very important Bill, U.P. Corporation Bill having 576 clauses was over in 75 minutes. Democracy crushed; opposition put in jail. Legislature nothing but farce. Intervene to save democracy.
>
> A. K. Gopalan, M.P."

This is the telegram I am laying before you, Sir.

An Hon. Member: Telegram from whom?

Mr. Speaker: The telegram is from Shri A. K. Gopalan.

An Hon. Member: He is there on the spot.

Shri S. A. Dange: So, I would request you to take note of the situation and tell us what kind of democratic procedure is going to be evolved when the authorities in U.P. used Armed Police against MLAs and cleared them out of the Assembly hall.

An Hon. Member: Kicking them out.

Shri Asoka Mehta (Muzaffarpur): Mr. Speaker, Sir, I believe when we opened the newspaper this morning, every single Member of this House, irrespective of party affiliation, was deeply distressed by what he read in the newspapers.

Some Hon. Members: No, no.

Some Hon. Members: Shame, shame. (*Interruptions*).

Mr. Speaker: Order, order; what is the harm in his saying so? I am sure every hon. Member should be deeply distressed one way or the other. Those hon. Members who are in favour of the Government or of the Speaker should have been distressed that the Leader of the Opposition should have lied down there and forced the Speaker to do whatever he did. There is a case for Members being distressed from all sides of the House.

Shri Asoka Mehta: I suggest that there was common distress that these parliamentary institutions that we are trying to build up in this country and which we hope will be the bulwark of the freedom and liberties of the people are imperilled today—no matter from which side the peril may come.....

Shri Joachim Alva (Kanara): *Is* there non-obedience to the Chair or not?

Shri Asoka Mehta: I hope at least we shall not permit this august House to become a replica of some of the State Assemblies, and therefore......

Mr. Speaker: It lies in the hands of the hon. Members here.

Shri Asoka Mehta: We are all very anxious to co-operate with the Chair; we are all very anxious to see that this House helps in creating conditions whereby such things, such dangers to our parliamentary institutions may not arise anywhere. What has happened there has deeply agitated at least this side of the House.

This morning, those of us who belong to the Opposition, irrespective of this group or that group, the leaders of different groups, met together and we felt that this is a matter which needs to be looked into. Unfortunately, the Leader of the House is not here. We have approached this matter in the way of an adjournment motion because there is no other way in which these matters can be brought to your attention and to the attention of the House. But the desire is not—at least to extent I am able to understand—to bring an adjournment motion and discuss it that way. But let us sit down with you calmly in your chamber; let us have the benefit of the views of the Leader of the House also and see in what way this matter can be discussed in this House, this kind of challenges that are being offered to the parliamentary institutions—whether it is from one side or the other. It is a matter which has to be looked into and will be looked into, not in a partisan spirit but in a spirit to see that these institutions are cherished and safeguarded. That needs to be done. And, I suggest that you should not pass any kind of orders on these adjournment motions but give a little time for us to place our case before you, for the Leader of the House also to be consulted so that a matter of this profound importance is not brushed aside as sometimes we are in the habit of doing.

श्री ब्रजराज सिंह : अध्यक्ष महोदय मैं निवेदन करना चाहता हूं कि जो कुछ आज विभिन्न प्रान्तीय असेम्बलियों में हो रहा है और खास तौर पर उत्तर प्रदेश असेम्बली में, वे कोई सर्व-सत्ता प्राप्त असेम्बली नहीं है जो सब से बड़ी कानून बनाने वाली असेम्बली है वह यह सभा है यह लोक सभा है, यह पार्लियामेंट है। जो कुछ हमारी असेम्बली में यहां होता है या जो कुछ यहां किया जाता है तथा जो रूलिंग श्रीमन् आपके द्वारा दिये जाते हैं, उनका दूसरे लोग तथा दूसरे तरीके से अपनी अपनी असेम्बलियों में पालन करते हैं। जो कुछ उत्तर प्रदेश की असेम्बली में हो रहा है, उसके बारे में मैं यह कहना चाहता हूं कि यहां पर जनतंत्र की हत्या हो रही है। अभी तक तो इस सदन में या दूसरी असेम्बलियों में जो मेम्बरों के साथ हुआ है वह यह हुआ कि पुलिस उनको घसीटा करती थी, या छोटी मोटी चोट पहुंचा दिया करती थी। लेकिन उत्तर प्रदेश की असेम्बली में जो कल हुआ उस से सभी का सिर शर्म से झुक जाना चाहिए। एक मेम्बर को वहां घसीटा गया जिस की वजह से वह बेहोश हो गया। दूसरे के कपड़े फाड़ डाले गये। तीसरे ने यह कहा कि जिस तरह से बेइज्जती की जा रही है, जिस तरह से चोट पहुंचाई जा रही है जिस तरह से उन के साथ व्यवहार किया जा रहा है उस से गोली मार देना ज्यादा अच्छा होगा। यह कहना कि इस पार्लियामेंट को उस पर अधिकार नहीं है, मैं ठीक नहीं समझता हूं और मैं इस से सहमत नहीं हूं। यह जो हमारा सदन है यह सर्व-सत्ता प्राप्त सदन है। दूसरे देश में कोई भी असेम्बली सर्व-सत्ता प्राप्त असेम्बली नहीं है। जो कुछ भी असेम्बलीज में होता है वह भले ही स्पेसिफाइड सबजैक्टस में हों, भले ही उन क्षेत्रों में कानून बनाने का अधिकार उनको मिला हुआ हो लेकिन पूरे तौर से जो अधिकार हैं वे सब इस हाउस को मिले हुए हैं।

अध्यक्ष महोदय मैं बतलाना चाहता हूं कि अगर किसी स्टेट में कांस्टीट्यूशनल मैशीनरी खत्म होती है या उसका ब्रेक डाउन होता है तो उस स्टेट का कौन चार्ज लेगा ? उसका चार्ज यही सर्व-सत्ता प्राप्त पार्लियामेंट तो लेगी। इसलिए मैं कहना चाहता हूं कि जो कुछ भी उत्तर प्रदेश की असेम्बली में हुआ है उस पर चाहे किसी प्रस्ताव के द्वारा हो और चाहे किसी और तरीके से हो, इस सदन को पूरा अधिकार है कि यह उस पर विचार करे। मुझे पूरी आशा है कि इस सदन के लोगों की यह इच्छा है कि वे आपकी छत्रछाया में कोशिश करें इस बात की कि आगे आने वाले हिन्दुस्तान के लिए यहां पर जनतंत्र पनपे, यहां पर जनतंत्र का विकास हो।

[श्री ब्रज राज सिंह]

हम में से कोई भी आपके साथ नान-कोआपरेट करना नहीं चाहता है और न किसी ने किया है किसी ने भी यह नहीं चाहा है कि आपकी रूलिंग का पालन न हो। अब तक हमारी यही कोशिश रही है कि जो भी आपकी रूलिंग हो उसका पालन किया जाए।

जब स्पीकर्स कान्फ्रेंस में, श्रीमन्, आप बैठते हैं या दूसरे स्पीकर बैठते हैं तब आप मिलकर तय कर सकते हैं कि हाउस में आर्डर कायम रखने के कौन से तरीके हो सकते हैं और किस तरह से आर्म्ड कांस्टेबुलरी को सदन के अन्दर बुलाने से रोका जा सकता है और किस तरह से सदस्यों को बल प्रयोग द्वारा, घसीट करके या बेइज्जती कर के बाहर निकालने की घटनाओं को रोका जा सकता है। जिस तरह की आज बुरी स्थिति वहां पर है उस तरह की बुरी स्थिति किसी भी सदन की नहीं हो सकती है। जहां पर कानून बनाने वाले लोग बैठते हैं, वहां का अगर यह हाल होना शुरू हो जाय तो आगे क्या होने वाला है इस का आप सहज ही अंदाजा लगा सकते हैं। कल सुप्रीम कोर्ट में या हाई कोर्ट्स में पुलिस जा करके उन लोगों को, जजों को भी खींचने की कोशिश कर सकती है।

मैं कहना चाहता हूं कि यह बहुत गम्भीर मामला है और इस पर जब तक इस सदन में, किसी भी तरह से सही, विचार नहीं किया जायगा तब तक मुल्क के अन्दर जनतंत्र का जो भविष्य है वह खतरे में पड़ा रहेगा। इस वास्ते मैं प्रार्थना करता हूं कि इस पर गम्भीरता से विचार किया जाए और कोई तरीका निकाला जाए जिस से कि इस प्रश्न पर इस सदन में विचार हो सके ताकि पूरे ही हिन्दुस्तान के लिए जनतंत्रीय परम्पराओं को आगे बढ़ाने के लिए कोई रास्ता निकल सके।

Some Hon. Members *rose*—

Mr. Speaker: I have allowed opportunities to all the three Groups.

Shri Nath Pai (Rajapur): What about the Movers, Sir?

Mr. Speaker: The movers had been amply represented by hon. Members who belong to their Parties. Mr. Nath Pai's party by Shri Asoka Mehta. Shri Dange has spoken on behalf of Shrimati Renu Chakravarty and others. I have allowed Shri Braj Raj Singh as a person representing the Socialist Party to which Party I believe Mr. Rajnarain of that Assembly belongs. I do not want to allow any more hon. Members. (*Interruptions.*)

Shri S. M. Banerjee (Kanpur): It is very serious.... (*Interruptions.*)

An Hon. Member: He is an independent.

Mr. Speaker: If the hon. Member is independent, I will allow him a seat somewhere there...... (*Interruptions*).

Dr. Gangadhara Siva (Chittor—Reserved—Sch. Castes): Sir, too many chances are given to the Opposition to speak on this matter; may we know whether a chance would be given to us also to speak on this?

Mr. Speaker: The hon. Member did not move an adjournment motion.

The Minister of Home Affairs (Pandit G. B. Pant): Sir, I fully share the feelings of distress with which Shri Asoka Mehta read the report of the happenings in the U.P. Assembly which are the subject matter of these adjournment motions. These deplorable scenes that were witnessed there are grossly repugnant to the spirit and practice of democracy. Democracy functions as everyone knows through reasoning and argument and it requires a certain degree at least of restraint and forbearance and readiness to some extent to appreciate the various points of views. For all these freedom of expression is to be regulated in a manner which would allow others also to express their views. De-

mocracy has two important methods of functioning; one through the assemblies and the other through compliance with the laws of the land. When the laws of the land are violated and defied in an organised manner, then democracy is outraged. When the proceedings of the assembly are conducted in a manner which is opposed to the elementary parliamentary principles, then also democracy is likely to be throttled. The first thing that is necessary is that the assemblies should function in a normal way and the first and the foremost and the basic condition of the proper functioning of legislatures is related to the attitude of the Members towards the Speaker. The Speaker's words have to be unreservedly accepted, whether one agrees with them or not. I do not suggest that the Speaker must necessarily be right always but democracy requires that even if the Speaker is entirely in the wrong, even then, his words have to be accepted; his word is law in the legislative body. . .

An Hon. Member: For how long?

Pandit G. B. Pant: For ever—so long as he continues as Speaker.

Now, what happened in this case? The Speaker requested a particular Member, who was speaking, to resume his seat; he requested him again and again and he did not listen to him. Now, if everyone of us here begins to speak and continues speaking regardless of the direction of the Speaker, what can we do here? I do not know. Whether democracy will function then or not can well be imagined. So, when a member does not listen to the Speaker, what should the Speaker do and how is he to protect the privileges of the House of which he is the custodian? (*Interruptions*).

An Hon. Member: Only by beating the members?

Pandit G. B. Pant: The House has a right that it must take part in the debate, that the members should be able to speak and that others should listen to a member under the direction and in accordance with the order that may be fixed by the Speaker. The Speaker's word is not only not listened to but when he asks the member to retire, then there is defiance of his orders. Even when the Marshal goes to a member, he refuses to leave his seat and then what is the Speaker to do? The House would cease to function and be at the mercy of one member, if that procedure is to be followed and others defy the Speaker. The business of the House has to be conducted in a regular manner. In these circumstances, the Speaker sends for help.

And if I am permitted to say, I may mention that the Speaker of the legislative assembly of U.P. is not only a very patient and very humble sort of a person who is ever ready to accommodate every member to the maximum extent but also a person who never can indulge in anything which to his knowledge can be wrong. He is anxious to do what is right. He is judicious and impartial in his attitude and he treats all with respect. In the circumstances how can democracy function? How can this House function? . . . (*Interruptions*).

Shri Naushir Bharucha (East Khandesh): Members were kicked by the police . . (*Interruptions*).

Pandit G. B. Pant: I do not know why Mr Bharucha or any other hon. Member gets excited over what I say. I may be wrong but again I claim the right as a Member of this House to say what is wrong; others may not agree with me.

Shri Jagdish Awasthi (Bilhaur): What have you to say about kicking?

Pandit G. B. Pant: What I say also may not be accepted perhaps by every hon Member here as being right.

Shri Jagdish Awasthi: What about kicking members?

Pandit G. B. Pant: In the circumstances I must submit that this House has absolutely no jurisdiction over this matter.

In every legislature (*Interruption*)

Shri Naushir Bharucha: Sir, I may be permitted to answer that question, whether this House has jurisdiction or not.

Pandit G. B. Pant: I do not know why some Members are excited. I am at their mercy. If they do not want me to speak, I do not want to speak.

Shri Naushir Bharucha: We have our self-respect; it is not merely indignation.

Pandit G. B. Pant: Well, anyway there is no indignation; that I think has been sufficiently assured.

So, I submit, it was a very regrettable and unseemly incident, and I am sorry that it should have happened. But in order to maintain not only the decorum and dignity of the House, to enable the House even to conduct its business the Speaker has to take steps, and the Speaker did take them. I am sorry that such incidents should have happened. It reflects on our democratic system, and on our ability to conduct even the affairs of the Assemblies in a smooth and dignified way.

The question of food is different. The question even of the political movements that are being today conducted in the form of organised breaches of law is also different; but so far as the conduct of the affairs of legislatures is concerned, it stands on an altogether different plane. And, I think, even though we differ in other respects, we should all be one opinion with regard to the mainteance of the dignity of the legislatures and the observance of the rules which vest full authority on the Speaker and through compliance of which alone the business of legislatures can be conducted.

As to what happened in the House, how much time a particular Bill took to be passed in the House at one stage or the other, that is not our business. If all Members who are interested in the subject choose not to speak or not to express their views....

An Hon. Member: They were forced to keep out.

Pandit G. B. Pant: ...... and those who agree alone are here, a very important Bill and a very voluminous Bill may be passed within a few minutes. I wish that there should be complete co-operation. I wish that there should be co-operation not only inside, but even outside the House, but at least so far as the conduct of the proceedings of the House is concerned, there should be co-operation among all sections and, especially, every Member should make it a point and also his duty to carry out the orders of the Speaker without the least hesitation, promptly and fully.

Shri Jagdish Awasthi: I want to ask for one clarification from the hon. Home Minister.

Shri H. N. Mukerjee: *rose*—

Mr. Speaker: Order, order. I have heard both sides. Whenever there is an adjournment motion or any other motion, I call upon the hon. Members who have tabled the motion or their representatives who can speak on their behalf—they belong to groups here—to state the case.

Shri Jagdish Awasthi: I want to ask only one question.

Mr. Speaker: Hon. Member has read the papers. I have given a chance to both sides. If he has still some doubts, I do not think his doubts can be cleared at all.

Shri Jagdish Awasthi: The hon. Minister did not answer that question.

Mr. Speaker: We will assume that he did not choose to answer that point. I am sure hon. Members must be satisfied with the procedure that we are adopting whenever there is such a motion. As I said, I always call upon the hon. Members who have tabled the motion or their representatives, and I hear them—of course, they must have confidence in their own representatives. In this case I have allowed their representatives to speak. I have also allowed the hon. Minister to reply. Now it is time for me to give the ruling, whatever I think to be proper. If at this time some hon. Members get up, I find it very embarrassing to allow them.

Shri Jagdish Awasthi: I only wanted one clarification.

Mr. Speaker: No more clarifications. I am perfectly clear as to what has occurred on one side or the other.

Regarding this matter, it is highly distressing for us; not only for us, it must be distressing for all persons inside and outside this House, in the entire country also. Now, let us be clear as to what exactly our jurisdiction is. We are working under a Federal Constitution. Each State has got an Assembly which is supreme in its own sphere. It is not as if this House is supreme or sovereign as in the case of the House of Commons in England where there is a unitary government and hence the House of Commons is supreme. There is no division of subjects there. That is not the case here. Under our Constitution, in so far as certain subjects are in the jurisdiction of States, the State Assembly is supreme over those subjects. We do not sit in judgment over them. *(Interruption)*. Order, order. What is the good of interrupting me also? Hon. Members will kindly bear with me. I do not claim that this House is analogous to the Supreme Court. Though it has not been quoted here, sub-consciously it is in the minds of hon. Members that this House is something like a Supreme Court where we have got appellate jurisdiction as if from one court to the other. Absolutely it is not so. We have not got appellate jurisdiction.

There are some concurrent subjects where we can pass some legislation, and where we pass some legislations, to the extent whatever provisions are inconsistent with the provisions of the legislations passed by the State legislature, our provisions will prevail. That is the concurrent jurisdiction. Regarding other subjects, they have got exclusive jurisdiction over particular subjects and we have got exclusive jurisdiction over certain other subjects.

Now, articles 355, 356 and the direction clause in the Constitution may be invoked for the purpose of setting things right, and trying to take over the administration of any particular State where the constitutional machinery has broken down. Now, hon. Members evidently want to invoke that provision and induce Government to advise the President to take over the administration of this State as the constitutional machinery has broken down. It is an extraordinary step.

There have been two or three similar adjournment motions in this House. I did not allow any of them. But one need not be a precedent for the other. Each particular question must be decided on its own merits. Shri Asoka Mehta said that an adjournment motion is the only possible method by which he can bring it to the notice of this House. I do not agree. Whenever any serious matter which we can consider arises, it is not brought in merely by an adjournment motion. I have been allowing discussion on various matters from time to time. We can then decide what exactly is the jurisdiction of this House now any particular matter has to be disposed of in a constitutional manner in a democratic set-up. So it is not because he is unable to find out any other method or procedure to bring the matter up that an adjournment motion is brought up here relating to a particular situation.

Now, I preside over the Speakers' Conference where we exchange views.

[Mr. Speaker]

I have no right to impose my will upon any Speaker. Each Speaker is entitled to decide matters that arise before him.

Therefore, from the facts that have been placed before the House, we can say that it is extremely regrettable. What is democracy? Democracy means persuasion, discussion, deliberation and, ultimately, decision. In case of any difference of opinion, whether in a democracy or in a dictatorship, a group or one man has to decide. How can we get out of it? We will assume that in a dictatorship or even in a People's Republic there is a difference of opinion. In that case even there one man or a group of men has to decide that particular matter.

That will happen here also. It can be said that the minority has a right to express its views. This is not a case where the minority has been deprived of the right to express its views. If that be the case, I would not have allowed a free discusion regarding this matter.

What has happened is, the whole situation seems to have arisen about the food situation. So far as the food situation is concerned, once or twice or even thrice—I do not know the number—a detailed debate with respect to food situation has been allowed in that House. The Speaker of the State Assembly did not refused to allow democratic principles to be followed with a view to stifle the opinion of any Member who wanted to express his views. The State Government has its own views. The State Government had explained its views, and it wants to stick to that particular view. Is not the State Government to carry out whatever is ultimately decided so long as it is in office? The minority has only got a right to express its views. Of course, in a democracy, merely on account of a majority, the majority need not rule ignoring the views of the minority. It will take the minority's views also from time to time and try as far as possible to take them along. If, in spite of that, there is a sharp difference, it is the majority view that has to prevail. When direct action is resorted to by particular Members, to whatever party they may belong, and they say one thing in the House and if it is not accepted they go out and try to break the law, then, what is the Government to do? I am not worried over what the Government has to do. It is the business of the Government itself.

So far as the Speaker of the State Assembly is concerned this is the account of what has happened. They move an adjournment motion, because one man was arrested. That man had not accepted the views of Government and he broke the law and law and order had to be maintained. The adjournment motion was, therefore, not allowed. As for disallowing or not allowing the adjournment motion, I am sure Shri S. A. Dange, Shri Asoka Mehta and Shri Braj Raj Singh will all agree that an adjournment motion ultimately has to be decided by the Speaker. The Speaker in U.P. did not allow the adjournment motion there.

Shri Braj Raj Singh: The Chief Minister was not giving any information about it. That was the difficulty there.

Mr. Speaker: We have all the information in the newspapers here.

Now, the adjournment motion was not allowed. Evidently, the Speaker thought that no purpose would be served. The Government in U.P. was pursuing a particular policy. That policy was not accepted by the Opposition. Therefore, they said openly, we are not going to accept that policy, we are taking the law into our own hands or we are going to resort to direct action, or something of that kind. Therefore, they were arrested. Then, there was the adjournment motion. Naturally, the Speaker thought that no purpose would be served by adjourning the House; Government was bound to maintain law and order, and, therefore, he said, I am not going to allow an adjournment motion. It is for him to decide. After that, if the hon. Member persists in his conduct, what is to be done? It was asked, what is to be done even in his House or in that House. Shri S. A. Dange suggested, 'Why do you not allow a discussion or a conference?' And I suggested a conference with respect to the food situation, but not under those circumstances. If an hon. Member refuses to go, and while I am speaking, he persists in speaking, and refuses to allow the House to function, I do not know if I would have ordered a conference or directed the convening of a conference to decide, as to what I ought to do in regard to this matter. (*Interruptions*). I suggested a conference with respect to the food situation. Of course, I expect that every person, and particularly, that Government which is in charge of food to consider my suggestion. I have no right to interfere. What is the meaning of hon. Members clothing me with that right if it is likely to be rejected by them? My honour is their honour. Therefore, I ought not to be forced to take up the jurisdiction of this House on their behalf, which ultimately will be flouted by some others, for they might tell me, "you are not the person to advise us." Under these circumstances, let us be guarded with respect to this matter, otherwise we would set up a bad example to the rest of the people. Now I have no jurisdiction to allow a discussion on whatever happened in another legislature

As to what has happened, all that I would say is this. When once the Member was asked to go and he refused to go, I think the Speaker wisely adjourned the House, seeing that the Member prevented the House from exercising its legitimate function.

An Hon. Member: But why the police?

Mr. Speaker: The police comes in later.

(*Interruptions*)

An Hon. Member: Why should there be kicking?

Mr. Speaker: Hon. Members are putting up with shooting elsewhere.

Shri Nath Pai: But minimum force should be used.

Mr. Speaker: I am not here to decide all those matters. Hon. Members need not invite decisions from me regarding all those matters. All that I am concerned with is whether any constitutional machinery has broken down, and whether I should allow this adjournment motion or not.

Whatever the Speaker there has done is this. First of all, he asked the Member to go; he refused to go. He even adjourned the House so that in the meanwhile, he may take his papers and go, but the Member refused to go. So, the Speaker called in the aid of others. He sent the Marshal The Marshal was unable to tackle the Member. So, he had to bring in the police, not the Armed Forces.

Shri Nath Pai: It was Armed Police there.

Mr. Speaker: .... armed police constable, not the Army. So, the Centre has nothing to do with it.

Some Hon. Members: It was the armed police.

Mr. Speaker: Armed police are under State jurisdiction. Under those circumstances, when a Member refuses to go, and in the course of taking him out, his clothes are torn, I do not know if the hon. Members want me to decide whether the Speaker there ought to keep quiet or allow some others to remove him. Therefore, under those circumstances, the Speaker of U.P. Vidhan Sabha appears to have been in the right. So far as that matter is concerned, there is no constitutional breakdown. If the Speaker had not exercised that right,

[Mr. Speaker]

on account of the conduct of a few, if the Speaker had abandoned his right if the Speaker had not risen to the occasion and asked the Member to be removed then, I would admit that democracy has broken down. It is not so now.

Under those circumstances, I disallow all the three adjournment motions. I am exceedingly sorry.

Shri Nath Pai: It is a sad thing in a democracy.

Mr. Speaker: Democracy is not a system where a single Member of the minority or a few people must control the majority, and when their disturbance is not sufficiently effective, then they create disturbances. This is not democracy, according to me. I am not going to say that democracy has broken down, so far as this particular incident is concerned. If and when other things come to my notice, there is enough time for me to decide.

Now, Papers to be Laid on the Table. (*Interruptions*)

Shrimati Renu Chakravartty *rose*—

Mr. Speaker: I have finished this matter. Now, Papers to be Laid on the Table.

12.43 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF REGISTRAR OF NEWSPAPERS FOR INDIA

The Parliamentary Secretary to the Minister of Information and Broadcasting (Shri A. C. Joshi): On behalf of Dr. Keskar, I beg to lay on the Table a copy of the Annual Report of the Registrar of Newspapers for India for the year 1957. [*Placed in Library, See* No. LT-900/58.]

AMENDMENT TO TEA RULES

The Minister of Commerce (Shri Kanungo): I beg to lay on the Table under sub-section (3) of section 49 of the Tea Act, 1953, a copy of Notification No. G.S.R. 749 dated the 30th August, 1958, making certain further amendment to the Tea Rules, 1954. [*Placed in Library, See* No. LT-901|58].

STATEMENT BY SHRI S. L. SAKSENA RE: BREAKING HIS FAST

Mr. Speaker: : Now, Shri S. L. Saksena. I have permitted Shri S. L. Saksena to make a statement.

Shri S. L. Saksena (Maharajganj). Sir, Yesterday evening, after the Prime Minister had made his statement in the House to convene an informal meeting of about 30 persons from all the parties on September 11, to discuss the food situation in the country, you appealed for a national approach to the food problem and called on all parties to 'cease-fire'. You also honoured me by a personal appeal to me to break my 20 days' old fast to help in creating the necessary atmosphere for a joint united national effort to tackle the food problem. Since then, the Prime Minister has also written to me a very affectionate letter, which I think concedes the substance of my main demand about the long-term solution of the problem of eastern UP., by promising to consider my proposal to include the multipurpose river valley scheme for the control of the rivers Ghagra and Rapti for inclusion in the Third Five Year Plan and by assuring me that the Planning Commission will give earnest consideration to the ways and means of improving the condition of the peasantry in these areas. When I am able to release this correspondence to the Press after getting his permission, you will know how keenly the Prime Minister feels about the sufferings of the people of eastern U.P. and of all other scarcity areas in the country.

Sir, what has happened yesterday in the U.P. Assembly has shocked me deeply. The atmosphere is deeply surcharged and strong passions have been aroused. But I think this is the time when the situation must not be allowed to deteriorate further, and a bold initiative is necessary. This vicious circle of attacks and counter-attacks in U.P. must be broken at some point. We must, therefore, rise to the occasion in this national crisis. Your call for a cease-fire on this occasion has, therefore, been very opportune.

Under these circumstances, even at the risk of being misunderstood by some friends, I have decided to be the first to respond to your call for a cease-fire, and to break my fast as soon as I have been able to contact and persuade my colleagues who are on fast in Lucknow to break their fast. Naturally, as the leader, I must be the last to break my fast, even though it may take a day or two to contact them. Thus I will also be responding to the repeated appeals of the Prime Minister to me to end my fast.

I hope your call for a cease-fire will also find a ready response in the heart of my Chief Minister and his colleagues in U.P. and all the Opposition Parties there, so that a proper atmosphere may be created whereby the agitations may be brought to a speedy end, and all the political prisoners, including those arrested for fasting may be released. I think a visit by the Prime Minister to U.P. can do much to heal the breach between the U.P. Government and the Opposition Parties and to restore peace and co-operation between the Opposition and Government. We may then put our heads and energies together, both in U.P. and in other States, as well as here in Parliament, to solve the problem of food as a national problem above party politics, and rise to the occasion.

In the end, I thank the Prime Minister and you, Sir, for the magnanimous and great leadership that you have shown in this national crisis.

Mr. Speaker: I am exceedingly happy particularly that our old friend Shri S. L. Saksena, an old Member of Parliament, has decided to break his fast. I hope he will soon recover his original energy and be able to contribute to the solution of this problem which affects all Sections. I would also take this opportunity to appeal to all the leaders of the various groups here which are represented in the locality, and other leaders also, to exert their utmost to see that this matter is settled as quickly as possible. True, when feelings are running high on a very essential matter, they can be added to; or, there is another way, namely, trying to mitigate or bring in better relations between them. I hope that if we have been able to do anything with the kindness of the hon. Prime Minister who has easily responded to my suggestion yesterday and thrown oil over troubled waters, the same thing will be followed elsewhere also. (*Interruptions*).

Shri S. M. Banerjee (Kanpur): The Chief Minister of Uttar Pradesh has not made any appeal.

Mr. Speaker: Order, order. I hope all things will be set right, that there will be amity and that the food situation and difficulty will be easily solved so that all hon. friends and others will come together.

Several Hon. Member rose—

Shri Nath Pai (Rajapur): Lucknow does not seem to be doing what the Prime Minister has been trying to do.

Mr. Speaker: All these will be reported in the press. I proceed to the next item on the agenda.

12.51 hrs.

PAPERS LAID ON THE TABLE—*contd.*

AUDITED ACCOUNTS OF EMPLOYEES' STATE INSURANCE CORPORATION

The Deputy Minister of Labour (Shri Abid Ali): I beg to lay on the Table, under section 36 of the Employees' State Insurance Act, 1948, a copy of the Audited Accounts of the Employees' State Insurance Corporation for the year 1956-57 [Placed in Library. *See* No. LT-904/58.]

SUMMARY OF PROCEEDINGS OF INDUSTRIAL COMMITTEE ON JUTE

Shri Abid Ali: I beg to lay on the Table a copy of the Summary of Proceedings of First Session of the Industrial Committee on Jute held at Calcutta in August, 1958. [Place in Library, *See* No. LT-903/58.]

AMENDMENTS TO THE COMPANIES (CENTRAL GOVERNMENT'S) GENERAL RULES AND FORMS

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): I beg to lay on the Table, under sub-section (3) of section 642 of the Companies Act, 1956, a copy of Notification No. G.S.R. 723 dated the 23rd August, 1958, making certain further amendments to the Companies (Central Government's) General Rules and Forms, 1956.

12.51½ hrs.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

> "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 4th September, 1958, agreed without any amendment to the Working Journalists (Fixation of Rates of Wages) Bill, 1958, which was passed by the Lok Sabha at its sitting held on the 25th August, 1958"

12.52 hrs.

PUBLIC ACCOUNTS COMMITTEE

NINTH REPORT

Shri Ranga (Tenali): I beg to present the Ninth Report of the Public Accounts Committee on "Excesses over voted Grants and Charged Appropriations included in the Appropriation Accounts (Railways), 1955-56 and 1956-57 and Appropriation Accounts (Posts and Telegraphs), 1955-56."

12.½ hrs.

PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) BILL—*contd.*

Mr. Speaker: The House will now resume clause by clause consideration of the Public Premises (Eviction of Unauthorised Occupants) Bill, 1958, as passed by Rajya Sabha. The discussion on this Bill will continue for two hours as agreed to by the House yesterday.

Clauses 2 and 3 were adopted yesterday and the House may now take up clause 4.

Clause—4. (*Issue of notice to show cause against order of eviction*).

Shri Kodiyan (Quilon—Reserved—Sch. Castes): I beg to move:

Page 2,—

after line 31, *add*—

"Provided that in the case of *bona fide* refugees, scheduled castes and construction workers engaged in Delhi, it shall be incumbent on the estate officer to make available to the person or persons affected, such alternative accommodation, which is nearly equal in convenience and value before issuing such notice.

Shri P. K. Deo (Kalahandi): I beg to move:

Page 2,—

after line 31, *add*—

"Provided that in case of displaced persons in the steel plant areas of Rourkela, Bhilai and Durgapur and in the Hirakud area in the occupation of the Government, it shall be incumbent on the estate officer to make available to them such alternative accommodation which is nearly equal in convenience and value before issuing such notice."

Shri Jadhav (Malegaon): I beg to move:

(i) **Page 2,—**

line 39, *for* "ten" *substitute* 'thirty"

(ii) **Page 3,—**

after line 11, *add*—

"Provided that in the case of unauthorised occupants from the scheduled castes, the refugees, Government servants, building labourers and artisans the mention of the alternative accommodation be made in the notice of the order of the eviction."

Shri Naushir Bharucha (East Khandesh): I beg to move:

(i) **Page 2,—**

line 26,—*for* "is of opinion" *substitute* "has reason to believe"

(ii) **Page 2,—**

line 39,—*for* "ten days" *substitute*—

"twenty clear days from the date of personal or substituted service"

Page 3,—

for lines 1 to 11, *substitute*—

"(3) The estate officer shall cause a copy of the notice to be served on every person concerned or claiming to be concerned in the manner prescribed by the Code of Civil Procedure for service of summons; in the event of personal or substituted service becoming difficult or impracticable in spite of his due diligence in ascertaining the names of persons concerned, the estate officer shall cause the notice served by having affixed on the outer door, or any other conspicuous part of the premises, in such manner as may be prescribed whereupon the notice shall be deemed to have been duly given to all persons concerned."

Shri Balmiki (Bulandshahr—Reserved—Sch. Castes): I beg to move:

Page 2,—

after line 31, *add*—

"Provided that no displaced person, Harijan, building labourer or other poor person who has raised unauthorised construction with or without permission of the authority upto December, 1957, will be evicted until he is provided with alternative accommodation or given compensation for structure raised by him, if he is compelled to vacate."

Shri B. K. Gaikwad (Nasik): I beg to move:

Page 3,—

after line 11, *add*—

"Provided that every show cause notice so issued shall state the purpose for which the premises are proposed to be used for which the eviction is sought."

Pandit Thakur Das Bhargava (Hissar): I beg to move:

Page 2,—

for line 39, *substitute*—

"a date not earlier than thirty days from the date of personal or substituted service."

Pandit Thakur Das Bhargava: I beg to move:

Page 3,—

after line 5, *add*—

"Provided that the Estate Officer shall have recourse to the method suggested in sub-clause (3) after he has exhausted all the methods for personal service as prescribed in the Civil Procedure Code relating to the personal service of the summons and other processes issued by the Civil Court and, for substituted service in the event of personal service not being successful or effective."

Mr. Speaker: These amendments are before the House.

Mr. Kodiyan: My amendment is with regard to the necessity of giving alternative accommodation to those persons who are evicted under the provisions of the present Bill. I have used the words "*bona fide* refugees" in my amendment as also the words "scheduled castes and construction workers" and others. But I am not asking special protection to all these people who encroach upon Government land and may be dubbed as trespassers, but only to those people who are *bono fide* persons. After all, there may be *mala fide* cases also. All such *mala fide* cases can be singled out and such cases can be summarily dealt with according to the provisions of the Bill. However, there are a number of people who naturally have been forced to occupy Government premises for reasons beyond their control.

About the refugees a lot has already been said in this House. So, I do not want to go into the case of refugees except to refer to the fact that the assurances given by Shri Gadgil in 1951 have not been implemented fully. The hon. Minister said yesterday—and he also quoted some figures also, that several houses have been regularised and a large amount has been paid according to those assurances, and only a small fraction remains to be implemented. If, according to him, most of the assurances have been implemented and only a little remains to be implemented further, then, I would ask him, what is the difficulty in incorporating this proviso in the Bill.

About the scheduled castes people and other construction workers engaged in Delhi and other places, the hon. Minister said yesterday that he is always sympathetic to those poor and unhappy people. But what is the use of having mere sympathy if that sympathy is not brought into practical operation by giving such aid and protection to those poor people who are in dire necessity of such things?

About the scheduled castes people, the hon. Minister was pleased to say yesterday that he will instruct the officers concerned to take a lenient view of the cases of scheduled castes, and other poor people. But when the Bill actually becomes an Act and the provisions of the Act are being brought into operation, there is no guarantee, Sir, that lenient views could be held with regard to these poor people. There have been instances where, in Assam, the tribal people were driven away, evicted, from their land. I am told that even elephants were used there to demolish their houses and huts. But still, the hon. Minister will continue to say that he is in full sympathy with those poor people. I am prepared even to accept the entire Bill on condition that this proviso is accepted by the hon. Minister, because it gives protection to those people who are in dire necessity of such protection.

Shri Jadhav: I have two amendments.

Mr. Speaker: As soon as any hon. Member begins to speak, he will mention the number of his amendment so that other hon. Members might follow.

Shri Jadhav: My amendments are 22 and 23. They are to clause 4. My first amendment seeks to substitute "thirty" days for "ten" days. I want to say that this time-limit given is very short. In the notice, various grounds have been mentioned and the time-limit for showing cause is very small. Therefore, I propose that instead of ten days, there should be thirty days' time given to show cause.

My second amendment—amendment No. 23—seeks to add a proviso at page 3, after line 11, which runs as follows:

> "Provided that in the case of unauthorised occupants from the scheduled castes, the refugees, Government servants, building labourers and artisans the mention of the alternative accommodation be made in the notice of the order of the eviction."

The volume of unauthorised occupation is very great and the greatest hardship will be for the scheduled caste people, the refugees, government servants, building labourers and artisans, unless Government give them some alternative accommodation.

13 hrs.

I had suggested yesterday that Government should make a survey of unauthorised occupations and should have a priority list and order schedule as to how they are going to demolish these unauthorised constructions. In that case when Government takes a decision that a certain site is to be demolished, they should give the affected persons alternative accommodation so that the people concerned can remove the material from that place, take them to another place and have their constructions there. Government should at the same time advance them loans and give damages if the persons concerned are covered by the assurance given by the ex-Minister Shri Gadgil.

Shri P. K. Deo: In my amendment No. 59 I have suggested the addition of a small proviso to the effect that in the case of displaced persons in the steel plants of Rourkela, Bhilai and Durgapur and in the Hirakud area in the occupation of Government it shall be incumbent on the Estate Officer to make available to them such alternative accommodation which is nearly equal in convenience and value before issuing such notices.

The scope of the Bill has been sufficiently enlarged. The previous Bill on the subject was restricted only to the Union Territory of Delhi. Now this Bill will automatically extend to such areas where development activities are being taken up and those lands which are being acquired by the Government of India. In this connection I would like to bring to your notice that in the Hirakud area a lakh of people have been affected. They have been displaced. In the Rourkela project 5,000 adibasi villages will be affected. The way the whole evacuation proceedings were conducted in May 1955 for the evacuation of the Hirakud refugees is far from satisfactory. In the month of May when there was 120_{0} temperature in day-time the villagers were put in open trucks with their belongings and they were taken forcibly from their villages and left in the forest. I do not think it is the intention of Government that such things should be repeated. Instances

[Shri P. K. Deo]

of cases where people have been very badly treated and no provision even for drinking water has been made for them has been brought to our notice by the people there. In Rourkela area the villagers of Adibasi and other villages have been very shabbily treated. They have been asked to vacate their villages and when they asked for time bulldozers were used to demolish their villages. Overnight paddy fields were levelled up.

I say, Sir, that these problems have to be tackled from a humanitarian point of view. The displaced persons should be properly rehabilitated and alternative accommodation should be provided for them before such drastic steps are taken. I most respectfully submit that our Government which is thinking of having a welfare State, with its ideals of a socialist society in view, should before displacing these persons and creating new problems for the refugees, first provide alternative accommodation, before asking these people to leave their lands and houses. I think this provision should have been incorporated in the Bill and this mandatory proviso has been suggested especially because it is the duty of the estate officer to see that they are properly provided with alternative accommodation before he issues notice to them to leave their houses. I most respectfully submit that Government should not find any difficulty in accepting my amendment.

Shri Naushir Bharucha: My amendments are Nos. 11 and 12. Clause 4 relates to issue of notice to show cause against an order of eviction. That is the clause which marks the first stage of the proceedings. It reads:

> "4(1) If the estate officer is of opinion that any persons are in unauthorised occupation of any public premises....the estate officer shall issue....a notice etc."

My first amendment is that in place of the words "is of opinion" the words "has reasons to believe" may be substituted. The clause would then read: "If the estate officer has reasons to believe that any persons are in unauthorised occupation of any public premises...." The difference is this. I desire to substitute the subjective satisfaction of the officer by some definite objective criterion and that criterion is that the particular officer must have reasons to believe, must have definite grounds or information to believe, that persons are in unauthorised occupation. The difference between the two is this. When I say "reasons to believe" he must have some evidence before him to show that people are in unauthorised occupation. Otherwise, if it is left as "in his opinion" without having any ground a person may form his opinion. Therefore, in order to diminish the harassment that might be caused to persons, I desire that this terminology should be substituted.

Mr. Speaker: Why don't we say "be satisfied"?

Shri Naushir Bharucha: "If he has reasons to believe" is a better terminology and usually we use that.

Mr. Speaker: If we say "reasons to believe" some other man may feel he has no reasons to believe. "Be satisfied" will meet the case.

Shri Naushir Bharucha: It would be something better than the present terminology is required.

Shri C. R. Pattabhi Raman (Kumbakonam): The first portion refers to that.

Pandit Thakur Das Bhargava: The words "be satisfied" is used in clause 5.

Shri C. R. Pattabhi Raman: Sub-clause (2)(a) of clause 4 says:

> "The notice shall—
>
> (a) specify the grounds on which the order of eviction is proposed to be made;"

Shri Naushir Bharucha: Even in the matter of issuing of notice there must be some definite ground. Otherwise notices will be issued indiscriminately. This is what is actually happening.

Mr. Speaker: There if you say "reasons to believe" it will go to the Supreme Court.

Shri Naushir Bharucha: My intention is that there should be some objective criterion. Apart from that even the suggestion made by the Chair namely that "he is satisfied" is something much better than a mere vague opinion.

Mr. Speaker: I would like to invite the attention of the hon. Member to clause 5. I had not read clause 5 when I made the suggestion.

Shri Naushir Bharucha: I am referring to the point before the proceedings are started. A large number of people must not be unnecessarily rounded up on the speculation that something may emerge from it.

Mr. Speaker: My suggestion may not fit in. Satisfaction means there are some grounds after looking into all materials. Opinion is a little less than satisfaction. The hon. Minister will certainly take care to see that notice is not given as a matter of routine. He must have some evidence.

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): We shall be very carfeul.

Shri Naushir Bharucha: I do not know what those assurances really count for in law courts. Anyhow, that is my view and I have put it in amendment No. 8.

In amendment No. 11, instead of 10 days, I have pleaded for twenty clear days from the date of personal or substituted service. Ten days is too small a period. People must have enough time to engage lawyers, etc. Here is a peculiar mode of service of summons. Under sub-clause (3), the estate officer straightaway has to affix the summons on the outer door without making any efforts to find out who are the real respondents or defendants in the case. Under sub-clause (4), where the estate officer knows or has reasons to believe that any persons are in occupation of the public premises, then only personal service comes.

I have moved amendment No. 12 which says that the estate officer shall cause a copy of the notice to be served on every person concerned or claiming to be concerned in the manner prescribed by the Code of Civil Procedure for service of summons. The hon. Minister has not made out a case why in the service of notice, the Civil Procedure Code should be departed from. I have also said in my amendment that

> "in the event of personal or substituted service becoming difficult or impracticable in spite of his due diligence in ascertaining the names of persons concerned.."

then, substituted service will come. My submission is that this is a matter in which the parties must have proper notice. Firstly the estate officer must exercise due diligence to ascertain who are the persons in unauthorised occupation of the premises and then make an attempt at personal service. If he fails in that, then as a last recourse, substituted service will come in. Therefore, I commend my amendments to the acceptance of the House.

श्री बाल्मीकी (बुलन्दशहर—रक्षित—अनुसूचित जातियां): अध्यक्ष महोदय, इस विधेयक की धारा ४ पर ६० नम्बर का जो संशोधन है वह इस प्रकार है

Page 2,—

after line 31, *add—*

"Provided that no displaced person, Harijan, building labourer or other poor person who has raised unauthorised construction

[श्री वाल्मीकी]

> **with or without permission of the authority upto December, 1957, will be evicted until he is provided with alternative accommodation or given compensation for structure raised by him, if he is compelled to vacate."**

माननीय मंत्री को मैं उनके इस एश्योरेंस के लिये जो उन्होंने कल आम रेफ्यूजी भाइयों के साथ साथ हरिजन आदि के लिये दिया, धन्यवाद देता हूं । उन्होंने "लीनिऐंट व्यू" की जगह "जेंटिल व्यू" का विश्वास दिलाया और उससे एक हलकी सी आशा बंधती है कि उन रेफ्यूजीज लोगों, हरिजनों और दूसरे इमारती मजदूर और ग़रीब लोगों के साथ कुछ हमदर्दी का बर्ताव किया जायेगा ।

यह बात ठीक है और यह समझ में आ सकती है और हम भी यह स्वीकार करते हैं कि आपको बहुत जल्दी डेवेलपमेंट कार्यों के वास्ते, टाउन प्लानिंग की वजह से, प्रोजेक्ट्स और दूसरी स्कीमें भी इस प्रकार की अनेक लाभदायक योजनायें चल रही हैं उनके कारण आपको उन जगहों की आवश्यकता है और आप उन जगहों पर जिन लोगों ने इस तरीक़े से अनएथोराइज्ड स्ट्रक्चर्स खड़े कर लिये हैं उनको वहां से हटा कर उन ज़मीनों पर क़ब्ज़ा करना चाहते हैं । इसी के लिये मैंने अपने ६० नम्बर के अमेंडमेंट में एक सुझाव दिया है कि दिसम्बर सन् १९५७ तक जिस किसी ने भी ज़बरदस्ती अनएथोराइज्ड कंस्ट्रक्शन इजाज़त या बग़ैर इजाज़त खड़ा कर लिया है, उसको वहां से तब तक बेदख़ल नहीं किया जायेगा जब तक कि या तो उसे आलटरनेटिव एकोमोडेशन न दे दी जाये या उस स्ट्रक्चर के लिये उसे कुछ मुआविज़ा न दे दिया जाये अगर उसको उसे ख़ाली करने पर मजबूर किया जाता है । मैं चाहता हूं कि इस ख़ास तारीख़ के आधार पर आप सर्वे करायें और उन झोंपड़ों पर (ता कि वे बनी रहें) नम्बर डालें । इसी आधार पर भारत सेवक समाज के द्वारा सर्वे हुआ और एथारिटीज़ ने भी सर्वे कराया और इस तरह से बहुत से झोंपड़ों पर नम्बर पड़े हुये हैं । मैं चाहता हूं कि इस ख़ास तारीख़ तक आप सर्वे करायें और उनके लिये यह व्यवस्था करें जो मैंने अपने अमेंडमेंट में सुझाई है उस तारीख़ के बाद खड़ी होने वाली झोंपड़ियों के लिये मैं यह नहीं कहता कि वे भी बनी रहें लेकिन उनके लिये भी यह बात जो ज़ाहिर है कि आलटरनेटिव एकोमोडेशन की व्यवस्था होनी चाहिये । अब यह बात साफ़ है कि सुपरवाइज़री स्टाफ़ इस प्रकार रिश्वत लेता है और उसके कारण यह देखने में आता है कि नई की जगह पुरानी झोंपड़ी गिरा दी जाती हैं और पुरानी की जगह नई खड़ी रहने दी जाती है । इसलिये मैंने यह सुझाव दिया है कि इस तरह का सर्वे करा लिया जाये और उस तारीख़ तक बने हुये स्ट्रक्चर्स पर नम्बर डाल दिया जाये ताकि इस तरह की धींगा मस्ती न हो सके ।

जब इस प्रकार से चाणक्यपुरी और रीडिंग रोड पर अन्धाधुंध झोंपड़ियां गिराई जा रही थीं तो मैंने पंडित जवाहरलाल नेहरू जी को एक लेटर लिखा था और उनको बतलाया था कि झोंपड़ियों को गिराने में यक़ीनी तौर से अलटीरियर मोटिव्स की बात थी और वह चलता है और जिसकी कि वजह से जो नये स्ट्रक्चर्स हैं वे तो खड़े रह जाते हैं और जो उन से पुराने स्ट्रक्चर्स हैं वे गिरा दिये जाते हैं और यह इस बात को साफ़ ज़ाहिर करता है कि अलटीरियर मोटिव की बात जो मैंने कही वह दुरुस्त थी । मेरे पत्र के जवाब में जो उन्होंने मुझे पत्र लिखा उसके अल्फ़ाज़ यह हैं :

> **"The motive is to provide good accommodation, clean living conditions and not to encourage slums".**

हम भी विश्वास दिलाते हैं कि हम भी किसी प्रकार यह गन्दी बस्तियां नहीं बढ़ाना चाहते । यह भी ठीक है कि दिल्ली और अन्य बड़े बड़े नगर जिनको भव्य और शानदार बनाया जा रहा है, वहां पर इस तरह की गन्दी बस्तियां न हों लेकिन उनके साथ ही यह भी जरूरी है कि जब हम सोशलिस्टिक पैटर्न आफ सोसाइटी की बात करते हैं, एक समाजवादी ढांचे के समाज की स्थापना की बात करते हैं जिसमें कि सबको समान रोटी मिले कपड़ा मिले और सब को समान रहने का साधन मिले तब उसमें यह बात कहां तक ठीक बैठती है कि इस तरह से हजारों आदमियों के रहने का कोई समुचित प्रबन्ध न हो और जो उन्होंने अपने अस्थायी झोंपड़े बना लिये हों, उनमें से उनको निकाल बाहर किया जाये । मैंने कैम्प भी इसका विरोध किया था और मैं आज फिर इसको कहना चाहता हूं कि सरकार को एक मानवीय दृष्टि से और दयापूर्ण दृष्टि से इसको देखना चाहिये । इस तरीके से एक रहते हुये आदमी को जिसके कि पास रहने को नहीं है, जिसको कि स्वच्छ पानी नहीं मिलता उसको इस तरह से बेदखल कर दिया जाय यह कुछ आज के जनतंत्री युग में उचित नहीं जंचता । अभी सुबह मुझे चाणक्यपुरी के लोगों ने बतलाया कि उनको पानी का महान कष्ट है । पानी की एक छोटी गाड़ी न्यू दिल्ली म्युनिसिपैलिटी की तरफ से जाती है और यह देखा जाता है कि जो तगड़े लोग होते हैं, जो ऊंची जाति के लोग होते हैं और जिन में बल होता है वे कमजोरों को पानी नहीं लेने देते हैं । कहने का मतलब यह कि आज भी इस तरह की नाइंसाफी उनके साथ बर्ती जा रही है । आज हम देखते हैं कि गरीबों और कमजोरों के घर गिराये जाते हैं और उनको बेदखल किया जाता है लेकिन बड़े आदमियों के और पैसे वाले आदमियों के आलीशान मकान और कोठियां वैसी की वैसी खड़ी रहती हैं और उनकी तरफ कोई आंख भी नहीं उठा सकता । मैं इस तरह के डिस्क्रिमिनेशन का यकीनी तौर पर विरोधी हूं और इस प्रसंग में मुझे महात्मा कबीरदास का वह दोहा याद आ जाता है :

"दुर्बल को न सताइये वाकी मोटी आह,
मुई खाल की सांस सों सार भस्म हो जाय ।"

सार कहते हैं लोहे को । मैं यह तो मानने के लिये तैयार हूं कि हमारी सरकार लोहा नहीं हो सकती लेकिन पत्थर है । पत्थर पर आंसू और आहों का प्रभाव होता है । लेकिन भवभूति ने इसके लिये भी अपने एक श्लोक के अन्दर कहा है : "ग्रावाऽपि रोदन्ति ।" मनुष्य के आंसुओं से पत्थर तक पिघल जाता है । जब वहां पर एक मनुष्य का मकान गिराया जाता है तो उसको देख कर पत्थर की शिलायें भी रो पड़ती हैं । जब उनके झोंपड़े गिराये जाते हैं तो उनकी आंखों से आंसू बह निकलते हैं और आहें भी निकलती हैं । इस तरह का उनके प्रति एक विद्वेषपूर्ण भाव रखने से काम नहीं चलेगा और निर्दयतापूर्वक जो इस तरीके से मकानों को गिराया जाता है वह नहीं चलेगा । मैंने इसलिए कहा है कि जो संस्थाएं उन में बैठ कर काम करती हैं जैसे दलित वर्ग संघ है, हरिजन सेवक संघ है अथवा भारत सेवक समाज है, इन संस्थाओं के जरिये सरकार इस तरह का एक सर्वे कराये और यह तय करे कि इतने झोंपड़े खड़े रहेंगे और इतने झोंपड़ों को गिराया जायेगा ताकि हम जाकर उन लोगों को इसके लिये तैयार कर सकें, उनके दिमाग में यह बात डाल सकें कि उनको यहां से हटा कर इतनी दूर जाना है और जहां से फिर उनको हटना नहीं होगा । हमारे वे भाई कहीं पर स्थायी तौर पर आबाद न किये जायें और उनको एक जगह से दूसरी जगह हटाया जाता रहे, मैं इस बात का विरोध करने वाला हूं । मैं सारे देश के अन्दर जाता हूं और मैं उन ग़रीब लोगों की असहाय अवस्था से भली भांति परिचित हूं । मुझे मालूम है कि टाउन प्लानिंग के नाम पर मैसूर, नई दिल्ली तथा अन्य नगरों के अन्दर ग़रीब आदमियों के साथ कितनी बेरहमी के साथ पेश आया गया । वहां पर शहर के हार्ट में बसे हुये

[श्री वाल्मीकी]

ग़रीब आदमियों को वहां से हटा करके शहर की बाहरी सीमाओं पर फेंक दिया गया है और उनके दरवाज़े भी शहर की तरफ़ नहीं हैं बल्कि बाहर की तरफ़ हैं । इस तरीक़े से कोई टाऊन प्लानिंग नहीं चला करती है । यह ज़रूरी है कि जब आप कोई एक नक़शा बनायें तो उसमें इस तरह की ग़रीबों की बस्तियों का भी ख़याल रक्खें । उदाहरणार्थ रीडिंग रोड पर भंगी बस्ती है जहां कि पूज्य बापू भी रहे, वहीं पर हमारे ग़रीब लोगों की बस्तियां बसा दें और इसके लिये अगर आपको कोई नया टैक्स लगाना पड़े, हलका टैक्स ८ आने का रुपया धेली का, उनसे यदि इसके लिये आपको लेना पड़े तो आप उसको उन पर लगा दीजिये और वे उसको देने को तैयार हैं । आप अपने ज़रायों से इस तरह का एक फंड बनायें ताकि उनके मकान रह सकें । आज जो उनको बेदख़ल किया जाता है और उनकी झोंपड़ियां गिराई जाती हैं और उनके लिये आल्टरनेटिव एकोमोडेशन का प्रबन्ध नहीं होता है, तो उसको लेकर उनमें असंतोष बढ़ता जा रहा है । अब एक ओर तो विशाल गगनचुम्बी अट्टालिकायें खड़ी की जाती हैं और दूसरी ओर जो ग़रीब अपनी झोंपड़ी बना कर रह रहे हैं उनके झोंपड़ों को गिरा कर निकाल बाहर किया जाता है तो इस दुर्व्यवहार और इस नाइंसाफ़ी का उनके दिमाग पर बहुत बुरा असर होता है और दिल में दर्द और असन्तोष उत्पन्न होता है । उस ग़रीब का जिसका कि झोंपड़ा गिरा दिया जाता है और उस के मन और दिमाग़ में एक तूफ़ान पैदा होता है । मैं देश में जाता हूं और उनसे मिलता हूं और उन ग़रीबों के बीच में काम करता हूं और मैं यक़ीन के साथ कह सकता हूं कि यह सब होते हुये भी उनके अन्दर साम्यवादी विचारधारा और तोड़फोड़ की नीति नहीं है वे अब भी शान्ति और अमन से इस बात को बर्दाश्त कर रहे हैं लेकिन आपको इस बात को ध्यान में रखना चाहिये कि उनका असन्तोष इतना न बढ़ जाये कि उनके सब्र की इन्तहा हो जाय । मैं बराबर उनकी तरफ़ से बोलने के लिये तैयार हूं क्योंकि मैं उनके बीच में रहता हूं, काम करता हूं और मैं उनकी मदद करने के लिये तैयार हूं और मैं यहां पर यह कहना चाहता हूं कि मिडीवियल पीरियड की तरह से मध्यकालीन हमलों के रूप में उनको हटाने के लिये स्कुवैड्स जायें, पुलिस आये, दुनिया भर के आदमी आयें, लाठियां और फरसे जिनके हाथ में हों उनके द्वारा उन पर हमला किया जाये । बिना सोचे समझे उनके स्ट्रक्चर्स को ज़बर्दस्ती गिरा दिया जाय, यह बात मुनासिब नहीं है और इससे आज उनमें बहुत असन्तोष है । आप उनको उनके स्ट्रक्चर्स के हटाने के लिये कुछ पैसा दें ताकि वे बेचारे वहां से उनको हटा कर ले जायं क्योंकि आपको यह बात भुला नहीं देनी चाहिये कि उनमें हज़ारों आदमी ऐसे रहते हैं जिनके कि पास कोई रोज़गार नहीं है जिनके कि पास कोई धंधा और व्यापार नहीं है और जो बिलकुल निराश्रित हैं ।

मुझे यक़ीन है कि जैसा मैंने अपने इस अमेंडमेंट में आल्टरनेटिव एकोमोडेशन देने की बात कही है उसकी आवश्यकता को आप महसूस करेंगे और साथ ही साथ अगर किसी ने इस तरीक़े का अनएथोराइज़्ड स्ट्रक्चर बनाया हुआ है तो उस स्ट्रक्चर को हटाने और उसको वहां से बेदख़ल करने के लिये आप उसको कुछ मुआविज़ा देने की बात सोचें । मैं आशा करता हूं कि इस सदन में मैंने और दूसरे अन्य महानुभावों ने जो इस प्रकार के विचार व्यक्त किये हैं, उन पर मंत्री महोदय गम्भीरता से विचार करेंगे और मुझे इसका पूरा विश्वास है कि इस तरह का मौक़ा लोगों को नहीं दिया जायेगा कि वे यह महसूस करें कि हमारे मकान गिरते रहेंगे और हमारे मकान खड़े नहीं होंगे और यह सरकार हमारे लिये कुछ नहीं करना चाहती है । यद्यपि मुझे भरोसा है कि आप उनका ध्यान रखेंगे ।

आपने बार बार "स्लम्ज़" शब्द का इस्तेमाल किया है । लेकिन मैं चाहता

कि इसके पीछे लोगों की तकलीफ़ को महसूस करने की आदत भी होनी चाहिये कि उनको इस प्रकार कितनी दिक्कत होती है। इसे भी समझें। जल्दबाजी से काम नहीं चलेगा।

आपने कहा कि इन लोगों में करीब ५०,००० आदमी हैं जिन पर इस क़ानून का प्रभाव पड़ेगा। मैं कहता हूं कि इन लोगों में ज्यादातर हरिजन, भंगी, चमार, कॉबल आदि लोग हैं जो मामूली मामूली काम करते हैं। इन में कुछ रिफ्यूजी भाई भी हैं। इनमें कुछ लोग तगड़े और मालदार हैं। मैं अपने तजुर्बे से कहता हूं कि इस प्रकार के मालदार लोग मिलजुल कर ले दे कर बच जाते हैं और जो मामूली लोग हैं उनको हानि पहुंचती है। लेकिन मुझे भरोसा है कि आप इस बात का ख्याल रखेंगे। मुझे इस सम्बन्ध में एक पुरानी कहानी याद आती है। एक साहूकार परदेश चला गया। जब वह अपनें घर से गया था तो उसकी स्त्री को कुछ गर्भ की स्थिति थी। जब वह २० साल बाद लौट कर आया तो उसने घर में एक २० बरस का जवान सोता देखा। उसने चाहा कि तलवार से उसे मार दे लेकिन उसकी नारी ने कहा कि यह तो आपका ही पुत्र है। एक क्षण को विचार में मग्न वह रुका। दीवार पर लिखे श्लोक को पढ़ा। तो इस प्रकार सहसा बे समझे काम करने से हानि हो सकती थी। भवभूति का वह श्लोक इस प्रकार है, "सहसा विदवीत न क्रियाम्"। बिना सोचे समझे कोई काम नहीं करना चाहिये। माननीय अध्यक्ष जी, आप तो संस्कृत के विद्वान ज्ञाता हैं, आप भवभूति के दर्द को पहचानते हैं। तो मुझे भरोसा है कि इस जल्दबाजी में इन हजारों लोगों को कत्ल नहीं किया जायेगा। आप सोचें, समझेंगे और उनके कष्ट को महसूस करेंगे और उनके लिये समुचित प्रबन्ध करेंगे।

मुझे आशा है कि इन सब बातों को ध्यान में रखते हुये माननीय मंत्री जी मेरे इस संशोधन को स्वीकार कर लेंगे।

Mr. Speaker: I request hon. Members to be brief.

Shri B. K. Gaikwad: My amendment, Amendment No. 3, reads as follows:

"Page 3,—

after line 11, *add*—

> "Provided that every show cause notice so issued shall state the purpose for which the premises are proposed to be used and for which the eviction is sought."

The amendment is self-explanatory. When we want to take possession of a particular house which has been constructed on Government land, we will have to mention in the notice which will be issued by the Estate Officer for what purpose we want to take that land. That is the substance of my amendment.

Shri Balasaheb Patil (Miraj): I rise to speak on clause 4 itself. So far as clause 4 is concerned, it speaks of three things. First is the mental make up of the estate officer, because in sub-clause (1) the words used are "If the estate officer is of opinion". Secondly, in sub-clause (4), we find, the words used are "the estate officer knows", that is to say, his knowledge. In the alternative, the other words are "has reasons to believe". At this stage, I may bring it to the notice of the Deputy Minister that in sub-clause (1) it is his (estate officer's) opinion and in sub-clause (4) it is his knowledge.

Mr. Speaker: The subject matter is entirely different.

Shri Balasaheb Patil: No. What happend is this. He has to give notice under sub-clause (3) as well as (4). No new thing has been stated in sub-clause (4). Only the modes are different. I do not know why the modes are different. Under sub-clause (3) the mode is affixing a notice on the outer portion of the

[Shri Balasaheb Patil]

house. Under sub-clause (4), the mode is serving by post. I do not know why there is this differentiation.

Then, so far as clause (2)(b) is concerned, he has to get knowledge of all the persons concerned. He must know the name of the person, his father's name, his surname and not only the name of the head of his family but even that of his wife, children and relatives, because all of them can be served with notices, for the word used here is "all". If he knows everybody, what would be the effect? There would be the danger of the notice being affixed everywhere. Sometimes, when a notice is affixed on the door, some child may come and tear it away. Ten days after the date on which the notice was affixed, other proceedings will follow and then only the person concerned will know when persons come to his house and take possession of it. Therefore, my submission is that the mode that is prescribed in sub-clause (4) should be adopted in sub-clause (3) also. First of all, the notice must be served by post. If he is not found, then there must be substituted service. Only lastly should the procedure prescribed in sub-clause (3) be adopted.

12.27 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Under sub-clause (2)(a) the notice shall specify the grounds. But we find in clause (13)(2)(a) it is stated that the rules will provide the form of any notice required or authorised to be given under this Act. My submission is that this is a one-sided proceeding. He has to give notice. Whenever a notice is presented, department has to give a written statement or plead, whatever he wants. If the estate officer wants to take possession of a premises, he must specify in the notice the reason for it. The person concerned is entitled to know the reason. He (the estate officer) must also state whether it is Government premises, whether it is a premises that is requisitioned or whether it is a premises where the lease has been terminated. That is the first thing.

Secondly, I support the point of Shri Gaikwad. When eviction is resorted to by the estate officer, he must inform the person to whom the notice is served the purpose for which eviction proceedings are being taken. If, for instance, the purpose is the betterment of the city or any such thing, and if it is given in the notice, then, instead of the person concerned going before the estate officer, pleading his case, giving evidence and prolonging the case, even going in appeal before the District Judge, which will take some more time, he may, of his own accord come to some compromise.

Then, if some promises have been given by the Government, those promises should be incorporated in the form of the notice. That will be a solace given to the refugees and other persons who will be affected by this notice.

Pandit Thakur Das Bhargava: I have to speak about my amendments Nos. 43 and 44. You have been pleased to see in the Bill that the substantive provisions are very drastic and even possessions of 50 years or 60 years are being disturbed. It will be found that even possessions of more than thirty years can be disturbed and notices given. So, whatever may be the nature of the substantive provisions, at least the procedural sections should be quite clear. At least a person must know as a matter of fact whether a notice has been given to him or he is going to be evicted. He must get good opportunity to see that when the notice comes....

Shri Jagannatha Rao (Koraput): What is the amendment number?

Pandit Thakur Das Bhargava: 43 and 44.

He must get good opportunity to see that when the notice comes he gets sufficient time to engage lawyers and at the same time be in a position to collect evidence which he is ultimately to produce.

Now, what do we find? In clause 4, sub-clause (2) (b), last line, we find this:

> "on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof."

Suppose, a notice is issued on a particular date. The notice is not served. We do not know, because the date of issue must be quite different from the date of service and not necessarily earlier than ten days from the date of issue. Then it means that the service may not have taken place and yet that date might have passed. I am anxious that when such a drastic power is going to be used against a person, he must have sufficient opportunity to see to all the things which are necessary to meet that notice and to do all that lies in his power to see that those powers are not used against him. These ten days are insufficient though the words are not less than ten days. They are quite insufficient especially in regard to cases in which a person has been in possession for say 50, 60 or 40 years. Therefore, I am anxious that at least one month should be allowed to that man.

Then, in regard to sub-clause (3) unfortunately the same spirit prevails in regard to procedure as it prevails in regard to substantive law. In the procedure we find that the only thing which the Estate Officer has to do is to cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed, whereupon the notice shall be deemed to have been duly served on all persons concerned. This is most drastic. We know the provisions of the Civil Procedure Code. Even if it is a decree or a suit for Rs. 5 against a person, all attempts are made to see that it is personally served. Now, I find that there is a feeble attempt in sub-clause 4 that where the Estate Officer knows or has reasons to believe that any persons are in occupation of the public premises, then a copy of the notice will be served on such person. But, suppose the Estate Officer chooses not to know or even chooses to say that he has got no reasons to believe, then he can have recourse only to sub-clause 3.

Then again, there is a provision for service by post or by delivering or tendering it to that person or in such other manner as may be prescribed. So, even personal service is not there. We know that according to the rules of High Court service by post is not regarded as a safe service, because, we know, interested persons usually get the postman to make a report that the man has not been found or even in certain cases to make absolutely bogus reports and obtain the signature of the person that the report is correct. So, according to the provisions in the rules made by several High Courts, this procedure is not a safe service.

Then there is the provision of delivering it or tendering it to that person or in such other manner as may be prescribed. Even then I do not know how far it can be proved. It is not necessary that it may be tendered. We do not know what that such other manner as prescribed will be. Therefore, the first thing to be secured is that that person who is going to be turned out from the premises, which may be his home or may not be his home—he may be living somewhere else in some other town but the thing may be in his possession and he may not come to know of the notice being affixed on the door—must be informed. It is absolutely necessary. Suppose that person happens to be in another place. Then it will be most difficult for him to know as to what is happening and by the time he comes to know of it this period of time might

[Pandit Thakur Das Bhargava]

be over. Therefore, it is absolutely necessary that the provision with regard to personal service and the provision with regard to substituted service as we have got in the Civil Procedure Code must be resorted to. If personal service is there, the matter ends.

In regard to the substituted service also, apart from other measures, this measure which is suggested must be resorted to as a last measure.

So far as the other provisions are concerned, our complaint may be correct or it may be wrong. It may be accepted or it may not be accepted. But so far as the procedure is concerned, let us be quite clear that it is very wrong first of all not to allow the person to go to the civil court and then even not to let him know fully what the matter is. He must be given sufficient time. The hon. Minister has agreed to my suggestion that he will be allowed to be represented by a pleader. If that is so, time must be given to him to engage a lawyer and to collect evidence. Even this is not being done. It is being rushed through. Ten days is not sufficient. It is much more objectionable than the substantive provision. Therefore, I request the hon. Minister to agree to a change in the procedural section so that the rights of persons may not be invaded without their even knowing as to what measures are going to be used against them.

Mr. Deputy-Speaker: The hon. Minister.

Ch. Ranbir Singh *rose*—

Mr. Deputy-Speaker: We have to close also. I have called the hon. Minister now. I am sorry.

Shri Anil K. Chanda: Mr. Deputy-Speaker, a number of amendments have been moved to clause 4 of this Bill. Some of them refer to the old question of providing alternative accommodation to this class of people or to that class of people. We have heard both the sides—those who have opposed this measure and others.

On several occasions I have mentioned the difficulties. I have in my reply also given the reasons which make it impossible for the Government to incorporate any special provision giving special treatment to a certain class of people in this Bill. So, I need not touch those amendments at all.

With regard to the amendment moved by Shri Gaikwad, where he says that the purpose is to be stated, you will remember that to start with this is my own property. It is not that I am acquiring somebody else's property. The property is mine and I want back the possession of it because somebody else has been in unauthorised occupation of it and I need it for public purpose.

Secondly, yesterday I had indicated that a vast number of the properties, which have been squatted upon, are defence properties and it is not possible for Government to publicly state sometimes as to what is the purpose for which the Government is trying to get back this property. I am therefore, unable to accept this amendment.

Shri Jadhav: What is the harm in mentioning the ground?

Shri Anil K. Chanda: I have already stated that it is not possible for Government in many cases to state publicly the purpose for which the property is being acquired.

Then, a number of amendments....

Mr. Deputy-Speaker: Hon. Members say that it might be stated that it is required for defence purposes.

Shri Warior *rose*—

Shri Anil K. Chanda: The very fact that I am requiring it for defence purposes is a secret and the moment I mention that I am giving out a secret.

Mr. Deputy-Speaker: This much will also be a secret that it is required for defence purposes?

Shri Anil K. Chanda: I would only say that it will be required for public purposes.

Mr. Deputy-Speaker: They do not want to probe into it further as to what kind of defence purpose it is. They only want you to state that it is required for defence purposes. They want to prove that they are as patriotic as anybody else.

Shri Anil K. Chanda: Certainly. I am sure that they are.

Pandit Thakur Das Bhargava: All property is not defence property.

Shri Anil K. Chanda: I do not say that. But if you make a provision in this law, I have to give the reason.

I submit that it is not that I am taking possession of somebody else's property. It is my own property. It is Government's property (*Interruption*) and it is being restored to the Government for the use of the public. Therefore, I submit....

Mr. Deputy-Speaker: But hon. Members put it in a different way. They say that it is people's property and the people want it.

Shri Anil K. Chanda: When we have a people's Government in the sense they understand it to be, I am sure that will be done.

With regard to the amendment moved by Shri Naushir Bharucha, I have to say something. In his amendment No. 8, he wants the words 'is of the opinion' to be substituted by the words 'has reason to believe'. At this stage, it has to be as far as this Bill is concerned, a sort of subjective judgment of the Estate Officer that this is Government property, there has been a sort of squatting on it, Government wants to take it back and therefore, he will issue notice. As far as I understand English, if you put in the words 'has reason to believe', it means that, for all practical purposes, it becomes justiceable and the whole legal process is there.

Mr. Deputy-Speaker: That is exactly his objective.

Shri Anil K. Chanda: That is exactly the reason for which I cannot accept it because the whole basis for this Bill is that it is for enabling the Government to have speedy eviction of unauthorised occupants from its own land which is required immediately for urgent public purposes. You would kindly remember that here it is only giving notice. I am not taking any action. The whole clause has reference to giving notice. I come and tell you, look here, it is Government property, you have no authority to be here, therefore, on a particular date you can come and tell me what are the reasons which would not justify the Government in evicting you from that. Nothing beyond that. Therefore I am unable to accept this amendment.

Shri Jadhav: If you want speedy remedy, take action under the I.P.C. for trespass.

Mr. Deputy-Speaker: Now, at least, there ought to be no trespass.

Shri Anil K. Chanda: He is trespassing on my time.

Mr. Deputy-Speaker: That is what I am appealing to.

Shri Anil K. Chanda: Thank you, Sir. As regards amendment No. 11 and the amendment of Pandit Thakur Das Bhargava, that is really for lengthening the process. As it is, in this Bill, we have made a very liberal provision with regard to time as compared to the original Act. There is notice. An Estate officer cannot take any action within the

[Shri Anil K. Chanda]

first ten days—the minimum period. It does not mean that on the eleventh day he will begin the proceedings in every case. For the first 10 days he cannot move. Then, on an appointed day....

Shri Naushir Bharucha: What about ten days from the date of 'service' instead of 'issue of notice'?

Shri Anil K. Chanda: I am coming to that. Then, there is the hearing. He has to give reasonable opportunity of hearing to the party affected. Supposing, for instance, the Estate Officer, after hearing the party says that you have to be evicted, 45 days' time is there. In the case of a certain class of people, we have extended the period. We have accepted an amendment in the Rajya Sabha to extend the period to 90 days. Then, within 30 days, he has the right to go to the district judge. The district judge, in his discretion, can even extend the period. The district judge can stay the proceedings. With the result that, though this is supposed to be really a summary measure giving me a chance of taking possession of Government land quickly, if you will kindly calculate the days, you will see that it would take general months before the Government can actually get back possession of the land which is urgently needed.

Shri Jadhav: If it goes to the Supreme Court?

Shri Anil K. Chanda: With regard to the methods of service of notice, sub-clause (3) is mandatory. The Estate Officer, before he can proceed any further, has got to affix on the outer door or some conspicuous place a notice. Due notice has to be affixed there. This is mandatory. In every case he must do it. Then, sub-clause 4 provides that if the Estate Officer knows who are the people staying there, or has reason to believe which persons are in occupation of the public premises, then and then alone, he would serve individual notices and the notices may be served either by post or it may be delivered by hand or it may be tendered. I remember, in the original Bill, there was a provision for the notice being served by beat of drum. I personally think and I mentioned it in the Select Commitee that it would not look decent to serve notice by beat of drum that X, Y, Z is in unauthorised occupation and he has to be chucked out. We have also provided, "or as prescribed in the rules". If my hon. and esteemed friend Pandit Thakur Das Bhargava would be satisfied that it should be none by beat of drum, I shall incorporate it in the rules.

What Shri Naushir Bharucha wants by his amendment is, personal "service should be mandatory. Not merely to those whom he knows to be there, but somebody who may claim to be in possession of the property—that is being made mandatory— and failing all that only, he can put up a notice on the outer door. I am afraid that will not serve the particular purpose of this Bill. You will please remember that most of the people who are likely to be affected by this Bill are slum dwellers. It is difficult for the Government to know who are actually in possession or who have put up the *kucha* structure here and there. I have a particular case in mind. It is, however, not with regard to a *kucha* structure. It is a *pucca* house in Calcutta, No. 176, Rashbehari Avenue, if I remember aright. During the days of the Great Killing in Calcutta in 1946, Hindus from some Muslim localities had sought shelter there. By a process of "somebody going out and somebody else coming in", a number of people have been in continuous, I should say in perpetual, illegal possession. All are evacuees from East Bengal, just coming and going. Who is living there, we do not know. The damages which have accumulated run up to Rs. 3 lakhs. Somebody comes from

East Bengal. He finds shelter there. His cousin is possibly there and he also is put up there. In the mean time, the cousin gets a job in Durgapur and he moves out. Another gentleman comes in there. Then, somebody else comes in. Somebody else is there. How is the Government to know who is actually in occupation of a particular flat? Anybody who has any knowledge of the slums will see how difficult it is for the Estate Officer to be sure that A is in possession or B or something like that. We have provided that when the Estate Officer knows that A or B or C is there, personal notice should be served. Different methods have also been prescribed. If there is any other method that Pandit Thakur Das Bhargava would like us to consider, we shall consider it and we shall prescribe it in the rules.

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava says, why should the Estate Officer worry to know, why would he care to know anybody.

Shri Anil K. Chanda: Shri Naushir Bharucha says that he should not merely care, but he should engage a Sherlock Holmes to find out who are there, who may claim to be there and who may have reason to be there. I do not know where I am.

Subject to this condition that it is not an ordinary piece of legislation—this is the whole basis of this law—if you once admit that you are giving extraordinary powers to meet an extraordinary situation, all the amendments fail.

But we have to see that natural justice is not denied. In clause 5 of this Bill, we say there should be reasonable hearing. Supposing, for instance, notice has been issued and it is not actually put up on the door till the 9th day and on the 10th day, the Estate Officer proceeds, it is not reasonable opportunity given to the person who is sought to be evicted. I am sure the judicial authority will take cognisance of that fact. Similarly, Pandit Thakur Das Bhargava said, a person may have been living there for 60 years, and he may be evicted, and for the purpose of fighting the case, he requires time. If the appellate authority comes to know that reasonable opportunity has not been given to him to contest the claim of the Government, obviously, that would be something which the reviewing judicial authorities will take cognisance of. I am, therefore, unable to accept any of these amendments.

Shri Balasaheb Patil: On a point of clarification, Sir....

Mr. Deputy-Speaker: Is there any other clarification required?

Shri Balasaheb Patel: Just now, the hon. Deputy Minister said that the words 'is of opinion' means subjective opinion and it must be like that. In the three judgments of the Supreme Court, it was because of the subjective aspect of the Estate Officer that the previous Act was challenged and challenged successfully.

Shri Anil K. Chanda: Not the Supreme Court, but the High Courts. My hon. friend has forgotten that this is not with regard to the decision of the Estate Officer. It is merely a notice. Secondly, there was no provision for a judicial review in the previous Act. Here, there is the judicial review.

Mr. Deputy-Speaker: Am I required to put any particular amendments separately?

Shri Naushir Bharucha: The whole lot may be put together.

Mr. Deputy-Speaker: Then I put all the amendments together, to the vote of the House. The question is:

Page 2,—

after line 31, *add*—

"Provided that in the case of *bonafide* refugees, scheduled castes

[Mr. Speaker]

and construction workers engaged in Delhi, it shall be incumbent on the estate officer to make available to the person or persons affected, such alternative accommodation, which is nearly equal in convenience and value before issuing such notice."

Page 2,—

after line 31, *add*—

"Provided that in case of displaced persons in the steel plant areas of Rourkela, Bhilai and Durgapur and in the Hirakud area in the occupation of the Government, it shall be in incumbent on the estate officer to make available to them such alternative accommodation which is nearly equal in convenience and value before issuing such notice."

Page 2, line 39,—

for "ten" *substitute* "thirty".

Page 3,—

after 11, *add*—

"Provided that in the case of unauthorised occupants from the scheduled castes, the refugees, Government servants, building labourers and artisans the mention of the alternative accommodation be made in the notice of the order of the eviction."

Page 2, line 26,—

for "is of opinion" *substitute* "has reason to believe".

Page, 2, line 39,—

for "ten days" *substitute*—

"twenty clear days from the dated of personal or substituted service".

Page 3,—

for lines 1 to 11, *substitute*—

"(3) The estate officer shall cause a copy of the notice to be served on every person concerned or claiming to be concerned in the manner prescribed by the Code of Civil Procedure for service of summons; in the event of personal or substituted service becoming difficult or impracticable in spite of his due diligence in ascertaining the names of persons concerned, the estate officer shall cause the notice served by having affixed on the outer door, or any other conspicuous part of the premises, in such manner as may be prescribed whereupon the notice shall be deemed to have been duly given to all persons concerned."

Page 2,—

after line 31, *add*—

"Provided that no displaced person, Harijan, building labourer or other poor person who has raised unauthorised construction with or without permission of the authority upto December, 1957, will be evicted until he is provided with alternative accommodation or given compensation for structure raised by him, if he is compelled to vacate."

Page 3,—

after line 11, *add*—

"Provided that every show cause notice so issued shall state the purpose for which the premises are proposed to be used and for which the eviction is sought."

Page 2,—

for line 39, *substitute*—

"a date not earlier than thirty days from the date of personal or substituted service."

Page 3.—

after line 5, *add*—

"Provided that the Estate Officer shall have recourse to the method suggested in sub-clause (3) after he has exhausted all the methods for personal service as prescribed in the Civil Procedure Code relating to the personal service of the summons and other processes issued by the Civil Court and, for substituted service, in the event of personal service not being successful or effective."

Those in favour will say "Aye".

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will say "No".

Some Hon. Members: No.

Mr. Deputy-Speaker: The "Noes" have it.

An Hon. Member: The "Ayes" have it.

Mr. Deputy-Speaker: Should I count them? If the hon. Members want, I have no objection.

Shri B. K. Gaikwad: For counting I have no objection.

Mr. Deputy-Speaker: If I have to count, I will have to ring the bell also.

Shri Anil K. Chanda: There is not much time left.

Mr. Deputy-Speaker: The "Noes" have it. The amendments are lost.

All the motions were negatived.

Mr. Deputy-Speaker: The question is:

> "That clause 4 stand part of the Bill".

The motion was adopted

Clause 4 was added to the Bill.

Clause 5— (*Eviction of unauthorised occupants*)

Pandit Thakur Das Bhargava: I beg to move:

(1) Page 3, line 16,—

after "occupation" *insert*—

"and that persons in unauthorised possession should be evicted".

(ii) Page 3, line 16,—

after "occupation" *insert*—

"and that there are sufficient and good reasons necessitating the eviction of the person in possession".

Shri Jadhav: I beg to move:

(i) Page 3, line 24,—

for "forty-five" *substitute* "ninety".

(ii) Page 3, line 34 and 35,—

for "ninety days" *substitute* "six months".

substitute "six months".

Shri Balashah Patil: I beg to move:

(i) Page 3,—

for clause 5, *substitute*—

"5. If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4, the estate officer is of opinion that an action be filed either for eviction or for recovery of rent or damages or for both, he may institute a suit in the court having jurisdiction to try the suit under the Provincial Small Causes Court Act, 1887."

(ii) Page 3,—

after line 35, *insert*—

"5A. The court, within a week of the institution of the suit shall cause a notice of hearing of the case to be served on the defendant.

5B. The procedure as laid down in the Provincial Causes Court Act would apply *mutatis mutandis* to the suits under this Act.

5C. If the court comes to the conclusion that the question of title or limitation by prescription is involved in the suit, it may stay the suit and direct the defendant to get a declaration of his right in proper court within three months.

[Shri Balasaheb Patil]

5D. If the defendant fails to produce the declaration as stated in section 5C, the court shall proceed to hear the case finally, and decide the same.

5E. If any person refuses or fails to comply with the orders of eviction of the court within 30 days from the date on which it was passed the estate officer or any officer duly authorised by the estate officer in this behalf may evict the defaulter or any person claiming through him and take possession of the public premises and may for that purpose use such force as may be necessary."

Shri B. K. Gaikwad: I beg to move:

(i) Page 3,—

after line 35, *add*—

"Provided further that in case of the persons belonging to the Scheduled Castes, Scheduled Tribes and Budhists from other Backward Classes the order of eviction so made shall not be given effect to unless suitable accommodation is provided."

(ii) Page 3,—

after line 35, *add*—

"Provided further that in *bona-fide* cases of displaced persons and retired Government servants, it shall be incumbent on the Estate Officer to provide suitable alternative accommodation to such persons affected."

(iii) Page 3,—

after line 35, *add*—

"Provided further that *in* case of Scheduled Castes, Scheduled Tribes and Budhists from other Backward Classes, who have been *in continuous occupation* for a period exceeding three years, the Estate Officer shall, on the application of persons sought to be evicted, extend the period of ninety days to five years."

Mr. Deputy-Speaker: Amendment 64 is for a new clause. That would be taken up later. The hon. Member will be very brief now. We must conclude the whole discussion on this before 3 o'clock.

Shri Balasaheb Patil: Yesterday I moved amendment 62, that was the beginning of this, because I wanted to define the court. I further wanted to add in clause 5 that as soon as the notice is given by the Estate Officer and if he forms the opinion that he should proceed, then instead of himself holding an enquiry, getting evidence and coming to a conclusion that the order must be served and that the person must be evicted, he must file a case before a small causes court, because the procedure there is very speedy and in one day the Judge decides the case.

Furthermore, in another amendment I have stated that the decision given by the Judge is not to be executed through the machinery of the court, but that the Estate Officer is to be the executor. He himself should execute it. Therefore, it will be speedy and the requirements of normal procedure will be met.

There are two or three things from the point of view of which I am moving this, because there will be certain cases in which the question of title will be involved, and the question of title is not such a subject as can be decided by the Estate Officer. He may be a gazetted officer, but if there is much of the subjective aspect in him, if he is to act as an agent of the Government, then he is not competent, and he is not an independent person to decide such a thing as a question of title.

Furthermore, there may be a question of acquiring a title by prescription. So far as this Bill is concerned, it seems that the law of limitation has been suspended, because, after all in all the cases, in the case of eviction, in the case of recovery of dues and damages, whether it is recovery of rent or damages, there is no question of limitation. So also, I have got a right by prescription by living for more than 60 years. Even then I have no voice whatsoever to say before this officer at least that I am the owner.

The further difficulty is this, that this officer being a custodian of Government property and also the Judge, if I have sent him certain documents and he has not cared to look into them, my fate will be sealed. There is no doubt the provision for appeal under clause 9, but if the Estate Officer writes a judgment in two lines only: heard the party, decided that he should be evicted, what will the District Judge do? He will say there is no ground whatsoever because he has heard you and given a judgment. Therefore, even though it is a repetition, I submit that this should be considered favourably, and the case taken to the court for decision.

Mr. Deputy-Speaker: Shri B. K. Gaikwad.

Shri B. K. Gaikwad: I will be very brief because there is not much time at my disposal.

Mr. Deputy-Speaker: In his amendment, would not this part "Budhists from other backward classes" be open to objection? Would it not be discriminatory and open to objection? There are provisions so far as the Scheduled Castes are concerned. He can make any exception and for their welfare he might bring in any provision, but so far as "Budhists from other backward classes are concerned", can we put it? He might argue it. I appreciate the motive behind it, but I am only objecting to the form in which it has been put.

Shri B. K. Gaikwad: Yesterday also in my speech I have stated the position of the Scheduled Castes, Scheduled Tribes and other backward class people. This Bill will be applicable not only to Delhi but throughout India. Everywhere you will find that these poor homeless people, landless people have no other source of income except labour. They go to cities to earn their bread. When they go there, wherever they can get open sites belonging to Government, they erect their small huts. Yesterday while giving assurances, the hon. Deputy Minister was kind enough to say that he had a very soft corner for the Scheduled Castes, Scheduld Tribes and all these poor persons.

Shri Anil K. Chanda: Everybody has.

Shri B. K. Gaikwad: That was only a speech, but when this Bill is passed and becomes an Act, the Act will be circulated to all State Governments and to the Estate Officers for implementation. At that time, these assurances will not be seen by the officer or even by the State Governments in the Act concerned.

Mr. Deputy-Speaker: If the hon. Minister says he has got a very soft corner, this is no assurance.

Shri B. K. Gaikwad: He said, if I remember correctly, yesterday the hon. Deputy Minister said that the cases of the Scheduled Castes and Scheduled Tribes people will be considered favourably.

If I remember it correct, this is what he said yesterday.

14 hrs.

Shri Anil K. Chanda: Not favourably. I said 'gently'.

Shri B. K. Gaikwad: I think there is not so much difference between leniently and gently. Then, even if we say 'gently', it will not go in the Act. The Act will have only what we will be passing and the Estate Officer will see only what is in the Act. He will not refer to the proceedings of Parliament, the Lok Sabha, and see what

[Shri B. K. Gaikwad]

assurance the hon. Deputy Minister has given when the Bill was under discussion.

Shri D. C. Sharma (Gurdaspur): He will send a copy of the speech along with the Act.

Shri B. K. Gaikwad: Anyhow, I just want to say that this is the position. Even today what is the position of the Scheduled Caste people when Government are so sympathetic towards the Scheduled Castes and Scheduled Tribes. In spite of all that, you know how harassment is going on at the hand of the police and how we people are suppressed even today by the Government, even in this House, if you will excuse me for saying so.

Mr. Deputy-Speaker: Should we open out that harassment by police also in this eviction?

Shri B. K. Gaikwad: No, no; I am just bringing it to your notice at this stage as to how Scheduled Caste people are treated.

Mr. Deputy-Speaker: We know of other hardships. But today we are only concerned with eviction.

Shri B. K. Gaikwad: As soon as this Bill is passed, what will be the position? In this connection, I want to draw the attention of the Government to the fact that the law will be applicable to all States in India. I gave notice of a Calling Attention motion on the 28th August. Yet, it has not been replied to. No action has been taken and no reply has been received.

Mr. Deputy-Speaker: That is being treated 'gently'.

Shri Anil K. Chanda: By the Speaker, I believe.

Shri B. K. Gaikwad: By that motion I want to bring to the notice of this House the grievances which the Scheduled Castes have suffered and the difficulties they are facing. There is one locality in Moti Bagh area. The Scheduled Caste people residing there have a Dalit Varg Stall Hodlers' Association. They are running certain shops, but when the police officers of the Delhi Municipal Corporation go there, they demolish the shops only of the Scheduled Caste people and of none else. This was done not only once but several times. This fact was brought to the notice of the Minister of State in the Ministry of Home Affairs, Shri Datar, several times on the telephone and by letters. Then the Calling Attention notice was given. It was given on the 28th August, 1958. Still it has not been replied to and no action has been taken.

For the information of the House, I will just read out one or two passages to show what is going on there in Moti Bagh area:

> "Recent demolition by the police of the shops of Scheduled Castes only in the Moti Bagh locality and the use of filthy language against women by the police on the occasion".

The second is:

> "Deliberate harassment caused to the members of the Dalit Varg Stall Holders' Welfare Association by the field staff of the Delhi Municipal Corporation".

The third thing is one which is shameful on the part of the police department. The hon. Members of this House, who speak about 'gently' will be sorry to know of it—

> "Badly beating the she-buffaloes with iron bars".

Most probably, the she buffaloes will die very soon.

This is the position. This is how things are going on. A Calling Attention Notice has been given. But no action has been taken. This is how we people are suppressed.

Mr. Deputy-Speaker: The hon. Member should not repeat it again and again. The Speaker might be considering that. That cannot be a complaint against Government. He has given notice of a Calling Attention Motion. He must find out from the office what has happened to that, what is its fate, whether it is going to be taken up.

This is not the occasion to discuss that.

Shri B. K. Gaikwad: I know this is not the occasion to discuss that. But what I want to show is how only Scheduled Caste people are treated partially.

Suppose tomorrow this Bill is passed. You will find that the Scheduled Caste people will be the victims of this Act; others will be saved, as so many of my hon friends have said.

Some Hon. Members: No, no.

Shri B. K. Gaikwad: That is all right. But what I want to say is that the Scheduled Caste people will be the first victims. So by amendment No. 4, I have said that some suitable accommodation should be provided to these people and then they should be evicted. We do not insist that they should not be evicted. Then by my amendment No. 5, I have said that those who are displaced persons and retired government servants should also have similar provision made for them. In my last amendment, I have said that for the words "ninety days", the words "five years" should be substituted (*laughter*). Of course, everybody will laugh at this. But I have put this with the intention and faith that Government are very kind to the Scheduled Castes and Scheduled Tribes. They say that in case the Scheduled Castes people are prepared to form a co-operative society, Government will give a certain amount of loan and they can have their own houses too. But if you go through the procedure of today, you will find that if I apply for registration of a housing society, it will take not less than a year. If a society is registered then for getting a loan, it will require one year more. After that, if we start constructing houses with the help of government loan and with our labour, it will take about two years more at least.

In view of all this, I have said that if Government want to remove these Scheduled Caste and Scheduled Tribe people, at least that time-limit should be extended so that they will form societies. They will just get some help from Government. It is said that Government are very kind to give them that help. They will have their own houses and then they will shift there. That was the object of moving all these amendments. I request the Deputy Minister to accept these amendments taking into consideration the points raised by me.

Shri Jadhav: I have moved amendments Nos. 24 and 25.

In page 3, line 24, for "forty-five", I want to substitute "Ninety".

Mr. Deputy-Speaker: It is very simple.

Shri Jadhav: But the difficulty will be this. Suppose the man concerned comes to the conclusion that he should remove it. There will be some structure there. He will have to remove the materials. The period of 45 days will not be enough; so 90 days' time should be given.

My amendment No. 25 also relates to extension of time. In page 3, lines 34 and 35, for "ninety days" substitute "six months". I am at a loss to know whether Government have been able to provide accommodation even to government servants. I have some information with me to the effect that even government servants who have got ten years' service to their credit have not been provided with accommodation. So if there are some government servants who are occupying sites for a period exceeding three years, it will be better if they are first given accommodation.

[Shri Jadhav]

As I said, the time should be extended to six months so that he must have sufficient opportunity to find out some other accommodation. Then and then only should the unauthorised structure be removed.

Pandit Thakur Das Bhargava: I have moved amendments Nos. 45 and 39. Amendment No. 45 runs thus:

'Page 3, line 16,—

after "occupation" *insert*—

> "and that there are sufficient and good reasons necessitating the eviction of the person in possession"'

And, amendment No. 39 reads thus:

'Page 3, line 16,—

after "occupation" *insert*—

> "and that persons in unauthorised possession should be evicted"'

As a matter of fact, amendment No. 45 is only an amplification of what is contained in No. 39. If you kindly look at the operative part of clause 4, it appears that the Estate Officer has been given certain powers. In the first two lines of clause 4, you will be pleased to find the words—

> "If the estate officer is of opinion that any persons are in unauthorised occupation of any public premises and that they should be evicted, ...".

There are two conditions before the estate officer will take any action. First is that the unauthorised occupation is there; and secondly, that, in his opinion, such and such a person should be evicted. These are the two points. I can see that it is quite logical. It is unauthorised occupation and he thinks that this man should be turned out of the occupation. He will give notice and ultimately evict him.

But, if you go to clause 5, the operative part of it, the second condition, that he should be evicted, is missing. It reads:

> "If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the estate officer is satisfied that the public premises are in unauthorised occupation, the estate officer may, on a date to be fixed for the purpose, make an order. . . ."

My submission is this. Yesterday I put a question to the hon. Minister to the effect whether the estate officer—he is always a human being—will be ordered to work as an automaton or will be given some discretion that in proper cases, where he finds that the order shall work harshly against a particular person, he will stay his hands for the time being, and allow the person to stay though it is unauthorised occupation. The hon. Minister's reply was that the estate officer will not work in this rigid manner, and that in all cases in which he issues notices he will not evict, and that he shall have a discretion to stay his hands in proper cases. This was a very proper reply for which I am thankful to the hon. Minister. In my humble opinion, if you do not allow even this discretion, this Act will act very harshly.

After getting this reply, I am rather fortified in my view and I would ask the hon. Minister to kindly consider my request in this light. If he agrees, this amendment at least, if not the previous one in 45, may be accepted, though that would be much better; because this will also bring the attention of the estate officer to the fact whether there are good and sufficient reasons necessitating the eviction. Even if that is not accepted, and the hon. Minister does not want to give a great deal of discretion to the estate officer, yet there will be no harm if he adds these words "and that the persons in unauthorised possession should be evicted". Just as they are in clause 4, I want these words should be inserted in clause 5 also, so that there may be the two conditions as in clause 4. We will be doing a laudable thing by putting these words here. The effect of that will be, as the hon. Minister and as the hon. Deputy Minister of Law have claimed, this Act will not work great hardship. As a matter of fact, hardship will be very much less if this man is given the discretion so that he will take action only in cases where action is called for. Otherwise, the difficulty will be that he will be bound to give notice in every case and when cause is not shown he is bound to evict. The officer to whom you entrust this work will work as an automaton and will not exercise discretion. The hon. Minister said that he wants him to exercise discretion. It is absolutely necessary that these words are inserted and the discretion is given.

We have been calling this Act a very drastic one, a very brutal one and a very unjust one and all that. The edge will be taken away and many an estate officer will work in such a way that, as a matter of fact, people will appreciate that it is only to get possession for Government in proper cases that he is evicting and not for simply harassing people. If these words are added, I should think nothing will be lost so far as Government is concerned; but, at the same time, the difficulty will be solved. As my hon. friend, Shri Gaikwad said, though there is an assurance that the authorities will act gently and sympathetically towards the Scheduled Caste people and others in humbler circumstances, the difficulty is this. Will he broadcast this matter; will he print this as a leaflet and take it to every officer and tell him that this is the view of the hon. Minister? The same thing applies to me. If the words are not there, should I print this as a leaflet and take it to every officer and tell him that this is the manner in which the hon. Minister wanted this Act to be worked? Should I tell him that he is invested with the discretion? The officer might say, 'No; I am not going to read the proceedings of the House; the words are not there in the Act; I am not bound to stay my hands even in proper cases'. If the words are not there in the law, the Act will not be worked in the way in which the hon. Minister wants it to be worked.

So, in the interest of the estate officer who will not work so harshly, in the interests of the administration, in the interest of the Act, whenever it goes to the Supreme Court or High Court, these words will have their own value and it will be said that the Act is not so hard as it has given a discretion. It is in the interests of the Administration and the inhabitants of the whole of this country that the Act shall be enforced in the right spirit.

Therefore, I very humbly request the hon. Minister not to stand on prestige but to accept this amendment which is a just and fair one. Nothing would be lost if it is accepted and I would request him to accept this.

चौ० रणबीर सिंह (रोहतक) : उपाध्यक्ष महोदय, गायकवाड़ जी ने जो संशोधन रखा है, उसके साथ मुझे पूरी हमदर्दी है । जैसा कि उन्होंने कहा है, अगर इस बात को लिखा नहीं जायेगा, तो कोई लाभ नहीं होगा, क्योंकि कानून के साथ मंत्री महोदय के आश्वासन नहीं जायेंगे, लेकिन आप जानते हैं कि यहां तो जो कानून को चलाने वाला है, वह कोई जज नहीं है, वह तो एस्टेट आफ़िसर है और एस्टेट आफिसर मंत्री महोदय का सरकारी नौकर है । मंत्री महोदय "जेन्टली" शब्द के जो मायने निकालना चाहें, निकाल कर वह उसके पास भेज सकते हैं और उसी के मुताबिक एस्टेट आफ़िसर कानून को चलायेगा । हमारे बहुत सारे दोस्त इसको कानून की खामी समझते हैं, लेकिन ग़रीब आदमी के हक में इस कानून का फ़ायदा भी उठाया जा सकता है, बशर्ते कि मंत्री महोदय इस कानून की धाराओं को हरिजनों और ग़रीब लोगों के लिये "जेन्टली"

[चौ० रणबीर सिंह]

इस्तेमाल करायें, जैसाकि उन्होंने आश्वासन दिया है । वह कानून में संशोधन बेशक न करें, लेकिन अच्छा हो अगर वह एस्टेट आफ़िसर को भेजे जाने वाले सर्कुलर में यह दर्ज कर दें कि इस कानून के मातहत हरिजनों और ग़रीब आदमियों के साथ नरमी का व्यवहार किया जाय । जैसाकि गायकवाड़ जी ने कहा है— और जैसाकि आम तजुर्बा है—बाहर से जो मकान बनाने वाले मजदूर वगैरह आते हैं, वे कोई पर्मानेंट नेचर का मकान नहीं बनाते हैं, बल्कि वे एक टेम्पोरेरी किस्म का एबोड बना लेते हैं । जब मंत्री महोदय और उनके आफ़िसर समझें कि उन लोगों को उठाया जाना चाहिये, तो यह ज़रूरी है कि उनको जिस वक्त उठाया जाय— उस वक्त ही उनको शो-काज नोटिस भेजा जाये, जब कि दर-अस्ल नया मकान बनाने के लिये उस ज़मीन की ज़रूरत हो । उनके सामान को सरकारी खर्च पर किसी ऐसी जगह पहुंचाया जाये, जो कि हमेशा के लिये उनको दी जा सके और अगर यह मुमकिन न हो सके, और उस ज़मीन की बहुत जल्दी ज़रूरत हो और उन लोगों को पर्मानेंट तौर पर दूसरी जगह न दी जा सके, तो फिर उनको ऐसी ज़मीन दे दी जाये, जहां जल्दी ही कोई कंस्ट्रक्शन न होनी हो और साथ ही लिख कर उनको बताया जाये कि तुमको यहां रहने का पर्मानेंट हक नहीं दिया जा रहा है, बल्कि यहां भी पहले की तरह की टेम्पोरेरी एबोड बनाइये और जब सरकार कोई दूसरी जगह पर्मानेंट तौर पर या कोई मकान बना कर देगी, तो उस वक्त आपको यहां से जाना होगा । अगर मंत्री महोदय दर-अस्ल अपने आश्वासन को पूरा करना चाहते हैं, तो वह संशोधन को चाहे न मानें, लेकिन, जैसा कि मैंने अभी कहा है, जब यह कानून पास हो जाये, तो सर्कुलर भेज कर अपनी इच्छाओं को एस्टेट आफ़िसर के पास भेज

Shri Naushir Bharucha: My amendment No. 13 is extremely simple; it clarifies the intention of the Government. I beg to move:

Page 3, line 15—

after "heard" *insert*—

> "personally or by a legal practitioner, if so desired by the noticee"

I want these words to be added after the words 'after giving him a reasonable opportunity of being heard'. It has been held by High Courts that giving opportunity of being heard' is complied with if mere written representation is seen by the court and that it need not hear that party further; that itself is sufficient opportunity of being heard. In view of the drastic nature of this legislation, it is desirable they must have the benefit of the lawyer's advice.

Mr. Deputy-Speaker: The amendments are before the House.

Shri Anil K. Chanda: Mr. Deputy Speaker, I am sorry that an impression has been created in the mind of our esteemed friend, Pandit Thakur Das Bhargava that if we refuse to accept amendments, it is because we are standing on prestige. Nothing could be farther from the truth. In the Upper House, we did accept a substantial amendment moved by a Member from the Opposition because we thought there was substance in what was said. If I am unable to accept any of the amendments moved to this clause, I would like the hon. Members to believe that it is not because we claim any sacrosanct nature for this Bill but because there are good reasons for which we cannot accept any of the amendments moved. So far as the amendments of Shri Patil are concerned, they practically nullify the whole basis of this Bill; I need not dilate on that point. With regard to what Shri Gaikwad has said, I may say this. For centuries the Scheduled Castes have suffered at the hands of our society and in spite of

various enactments and very sincere desire on the part of the Government to rectify the mistakes and misdeeds of the past, the Scheduled Castes do not in many cases enjoy in fact the rights and privileges which they are entitled to as a citizen of this country. But I am afraid I cannot, for the same reasons for which I could not accept amendments of this nature to the other clauses, accept this amendment also.

Pandit Thakur Das Bhargava's amendment amounts to this that the reasons for eviction are to be stated. Let us see how this law is going to operate. Government has certain lands. Those lands are in unauthorised occupation. Government decides that land A or B or C or D is needed for a public purpose. It communicates that decision to the estate officer and says: here is a plot of land; it is mine and is now in unauthorised occupation of some X and is needed for public purposes; so you please take proceedings under this Bill. The estate officer has to be sure that it is Government land; he is to be assured that the man who is there is in unauthorised occupation of the land and thirdly that it is needed for public purpose. That 'public purpose' is an executive decision, it is a policy matter; it is not for the estate officer to decide whether this particular plot is needed for this public purpose or not. It is, I claim, a policy decision of the Government which he has to execute. Because of this, notice is given under clause 4. Clause 4 is not made reviewable by the appellate or judicial authority under clause 9. It is only the decisions under clauses 5 and 7 that the appellate authority can review because, as I said, public purpose is a matter of policy and it cannot be the subject matter of any judicial review.

Pandit Thakur Das Bhargava: Am I to understand that the District Judge will not be able to decide whether this is a proper case in which eviction should have been ordered.

Shri Anil K. Chanda: The District Judge, as far as I understand the law, will decide if it is a governmental land, if the person who is sought to be evicted is in unauthorised occupation thereon and thirdly, if the procedure prescribed under this law has been fully followed or not.

I am unable to accept any of these amendments.

Mr. Deputy-Speaker: Now, I shall put all the amendments to the vote of the House. The question is:

Page 3, line 16,—

after "occupation" *insert*—

"and that persons in unauthorised possession should be evicted"

The motion was negatived.

Mr. Deputy-Speaker: The question is.

Page 3, line 16,—

after "occupation" *insert*—

"and that there are sufficient and good reasons necessitating the eviction of the person in possession".

The motion was negatived.

Mr. Deputy-Speaker: The question is.

Page 3, line 24,—

for "forty-five" *substitute* "ninety".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3, lines 34 and 35,—

for "ninety days" *substitute* "six months"

The motion was negatived.

Mr. Deputy-Speaker: The question is.

Page 3,—

for clause 5, *substitute*—

"5. If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4, the estate officer is of opinion that an action be filed either for eviction or for recovery

[Mr. Deputy-Speaker]

of rent or damages or for both, he may institute a suit in the court having jurisdiction to try the suit under the Provincial Small Causes Court Act, 1887."

The motion was negatived.

Mr. Deputy-Speaker: The question is,

Page 3,—

after line 35, *add*—

"Provided further that in case of the persons belonging to the Scheduled Castes, Scheduled Tribes and Budhists from other Backward Classes the order of eviction so made shall not be given effect to unless suitable accommodation is provided."

The motion was negatived.

Mr. Deputy-Speaker: The question is.

Page 3,—

after line 35, *add*—

"Provided further that in bonafide cases of displaced persons and retired Government servants, it shall be incumbent on the Estate Officer to provide suitable alternative accommodation to such persons affected."

The motion was negatived.

Mr. Deputy-Speaker: The question is.

Page 3, —

after line 35, *add*—

"Provided further that in case of Scheduled Castes, Scheduled Tribes and Budhists from other Backward Classes, who have been in continuous occupation for a period exceeding three years, the Estate Officer shall, on the application of persons sought to be evicted, extend the period of ninety days to five years."

The motion was negatived.

Mr. Deputy-Speaker: The question is.

Page 3, line 15,—

after "heard" *insert*—

"personally or by a legal practitioner, if so desired by the notice"

The motion was negatived.

Shri Naushir Bharucha: I have a new clause 5(A).

Mr. Deputy-Speaker: I am coming to that. The question is:

"That Clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

Mr. Deputy-Speaker: There are now two amendments Nos. 53 and 64.

Shri Naushir Bharucha: I beg to move:

Page 3,—

after line 35, *insert*—

"5A. Nothing in this Act shall apply to persons, displaced as a result of the partition of the country, who have, before the 15th day of August, 1950, occupied any public premises without authority for such occupation, built structure thereon and have been in continuous occupation of such structure.

Provided that in case of constructions which substantially comply, with or without modifications, requirements of any municipal town planning or other authority, such occupation may be regularised on the application of an unauthorised occupant, on such terms and conditions as the Central Government may prescribe, either for individual cases or class or classes of cases; and any eviction proceedings against such occupant under the Act shall, on such regularisation, abate."

Sir, the hon. Minister has been telling us how it is not possible to put in legal language Shri Gadgil's assurances. My amendment does nothing but to put the pith and substance of that assurance in the legal language. If the intention is really that these assurances should be implemented then this amendment must be accepted. This amendment has been carefully drafted bearing in mind the following points. Mr. Gadgil suggested a date; the date has been put down. The assurance relates to displaced persons who have occupied premises without authority or built structures thereon. I have added one more condition: continuous occupation of it. So, it is not a case of any number of persons using the premises and then claiming it. If these three conditions are satisfied, then one question may arise, as Mr. Gadgil has pointed out, that the municipal authorities might have objection to such a structure being unauthorised from the point of the municipal building bylaws. It is possible that the town planning authorities might object to that because it does not conform to certain town planning regulations. Therefore, I have incorporated that also. Such structures exist and have been assured of protection. Where they comply with, either by modification of the structure or without modification, any requisition issued by a municipal authority, town planning authority or any other authority, then on an application of such unauthorised occupant the structure should be regularised and all eviction proceedings against him should abate.

Unless this type of assurance is translated into legal language and incorporated in the Act, the assurance of a Minister has absolutely not a penny worth of value in a law court. Even if the law court is satisfied that the Minister has given an assurance, the law court will say that it is not part of the Act, and unless it is part of the Act how can they call upon anybody to implement such assurance.

The hon. Minister said that the assurance could not be put in legal language. I have put it in legal language, and I would request him to accept it.

Shri Balasaheb Patil: I beg to move:

Page 3,—

after line 35 *insert*—

"5A. The court, within a week of the institution of the suit shall cause a notice of hearing of the case to be served on the defendant.

5B. The procedure as laid down in the Provincial Causes Court Act would apply *mutatis mutandis* to the suits under this Act.

5C. If the court comes to the conclusion that the question of title or limitation by prescription is involved in the suit, it may stay the suit and direct the defendant to get a declaration of his right in proper court within three months.

5D. If the defendant fails to produce the declaration as stated in section 5C, the court shall proceed to hear the case finally, and decide the same.

5E. If any person refuses or fails to comply with the order of eviction of the court within 30 days from the date on which it was passed the estate officer or any officer duly authorised by the estate officer in this behalf may evict the defaulter or any person claiming through him and take possession of the public premises and may for that purpose use such force as may be necessary."

Mr. Deputy-Speaker: The amendments are before the House.

Shri Anil K. Chanda: Mr. Deputy-Speaker, Sir, I am grateful to Shri Naushir Bharucha for putting in legal language the assurance given by Shri Gadgil, but I have on several occasions in the course of the last few days said that Shri Gadgil's assurance

[Shri Anil K. Chanda]

referred only to Delhi and his assurance has no effect so far as areas outside Delhi are concerned. Secondly, from the day the Bill was moved for first time by Shri Gadgil, Minister after Minister has said that it is impossible for us to incorporate, for very good reasons, this assurance in the body of the Bill. It is an executive decision, that as far as possible we will try to do certain things. I do not think I can add anything to what has been already said over and over again.

Mr. Deputy-Speaker: I shall now put the amendments to the vote of the House.

Shri Naushir Bharucha: Sir, my amendment may be put separately.

Mr. Deputy-Speaker: The question is:

Page 3,—

after line 35, *insert*—

"5A. Nothing in this Act shall apply to persons, displaced as a result of the partition of the country, who have, before the 15th day of August, 1950, occupied any public premises without authority for such occupation, built structure thereon and have been in continuous occupation of such structure.

Provided that in case of constructions which substantially comply, with or without modifications, requirements of any municipal, town planning or other authority, such occupation may be regularised on the application of an unauthorised occupant, on such terms and conditions as the Central Government may prescribe, either for individual cases or class or classes of cases; and any eviction proceedings against such occupant under the Act shall, on such regularisation, abate."

The motion was negatived.

Mr. Deputy-Speaker: I shall now put amendment No. 64. The question is:

Page 3,—

after line 35, *insert*—

"5A. The court, within a week of the institution of the suit shall cause a notice of hearing of the case to be served on the defendant.

5B. The procedure as laid down in the Provincial Causes Court Act would apply *mutatis mutandis* to the suits under this Act.

5C. If the court, comes to the conclusion that the question of title or limitation by prescription is involved in the suit, it may stay the suit and direct the defendant to get a declaration of his right in proper court within three months.

5D. If the defendant fails to produce the declaration as stated in section 5C, the court shall proceed to hear the case finally, and decide the same.

5E. If any person refuses or fails to comply with the order of eviction of the court within 30 days from the date on which it was passed the estate officer or any officer duly authorised by the estate officer in this behalf may evict the defaulter or any person claiming through him and take possession of the public premises and may for that purpose use such force as may be necessary."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7. (*Power to recover rent or damages in respect of public premises as arrears of land revenue.*

Shri Jadhav: I beg to move:

(i) Page 4, line 11,—

after "person" *insert* "other than from scheduled castes and refugee"

(ii) Page 4, line 15,—

after "person" *insert* "other than from scheduled castes and refugees"

Shri Kodiyan: I beg to move:

(i) Page 4,—

after line 27, *add*—

> "Provided further that in prescribing the principles of assessment, the maximum possible consideration shall be shown to the occupants having regard to the difficulties they may be facing as a result of eviction."

(ii) Page 4,—

after line 33, *add*—

> "Provided that it would be within the discretion of the estate officer to write off such arrears or damages or a portion thereof by way of a final settlement with such occupants of the premises, keeping in view the financial condition of the person concerned and other circumstances relating to the case."

Shri Naushir Bharucha: I beg to move:

(i) Page 4, line 27,—

add at the end—

> "Such notice shall contain a full and complete statement of arrears claimed, the rate and period of arrears and such other details as are necessary to complete the cause of action."

(ii) Page 4,—

after line 27, *add*—

> "Provided further that the estate officer shall record his reasons for such order."

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 4,—

(i) in line 11,—

for "payable" *substitute* "recoverable"

(ii) in line 12,—

after "premises" *insert*—

> "in accordance with the provisions of the Indian Limitation Act".

(ii) Page 4, line 15,—

after "any time" *insert*—

> "within the period prescribed by the Indian Limitation Act for the recovery of such damages".

Shri Jadhav: Sir, by moving my amendments Nos. 27 and 28, I seek to insert the words "other than from Scheduled Castes and refugees". I have already advanced my reasons, and I do not want to say anything further.

Shri Naushir Bharucha: Sir, my amendment reads thus:

> "Such notice shall contain a full and complete statement of arears claimed, the rate and period of arrears and such other details as are necessary to complete the cause of action."

My amendment No. 15 says:

> "Provided further that the estate officer shall record his reasons for such order."

The idea is that the party who is called upon to pay up arrears and which arrears are going to be recovered by a peculiarly drastic process, should have sufficient information as to what are the arrears, when did they accrue, what is the total amount etc. Also, when an order is passed against a person, the reason must be stated so that the party concerned can go in appeal.

Shri Kodiyan: My amendments read as follows . . . . . .

Mr. Deputy-Speaker: Those we have got, and all Members must have gone through them. He may say what he has got to say about them.

Shri Kodiyan: In sub-section (2) of clause 7 it is said: "Where any person is, or has at any time been, in unauthorised occupation of any public premises, the estate officer may, having regard to such principles of assessment of damages as may be prescribed, assess the damages . . ." Prescribed by whom? Presumably by the Government or the Estate Officer. My amendment says that in assessing the damages consideration should be given to the financial position of the person affected and the difficulties that have arisen as a result of eviction. By accepting this amendment, Sir, I think there will be no harm so far as the operation of this particular clause is concerned.

My second amendment No. 17 seeks to give the Estate Officer certain discretion to write off some arrears, or the whole of the arrears or damages or a portion thereof in case he finds that a person affected is not in a position to pay such damages. Even in the Municipal Corporation Act there is a provision empowering the Commissioner to write off such arrears in case the person affected is not in a position to pay at all.

The hon. Minister has just now said that most of the people who are going to be affected by this Bill are the slum dwellers. The slum dwellers, as we all know, are very poor people, and if they are assessed to pay big amount of damages or arrears they will not be in a position, in most of the cases, to pay. How can the Government realise that amount? Therefore, such discretionary powers should be given to the Estate Officer to write off either a part or the whole of the arrears or damages that may be assessed.

Pandit Thakur Das Bhargava: Sir, my first amendment relates to the substitution of the word 'recoverable for the word 'payable'. The words ' the clause as it now stands ar "Where any person is in arrears rent payable in respect of any publi premises . . ." I want the word 'recoverable' to be substituted for th word 'payable', so that the Law of Limitation may apply, an only in respect of such arrear as are recoverable notice of thi sort may be given or recover may be made. Similarly, I have sai that in regard to recovery of damage also the same rule may apply.

Now, we know that the Rehabilitation Ministry is charging the displaced persons damages or rents even f the period when they were in Pakistan. From 15th August 1947, when that displaced person could have com to India, rent is being charged an the burden is placed on the displace person to prove that he came later It is very unjust. In this case, I know that Shri Gadgil was pleased t announce in this House that many the arrears due from these displace persons were remitted. By my amendment No. 48 to clause 8 I have als pressed that the Estate Officer ma be given powers. But from what find today, it appears that the Estat Officer is not an officer who will b in a position to remit all thes amounts, because yesterday I came t know from the hon. Minister that th Estate Officer will be like a genera manager of certain properties. But would request the hon. Minister himself to remit all such dues, if they are barred by limitation or they are no recoverable. We have got the precedent already in the action of Shr Gadgil when he remitted such arrear twice; and up to December, 1951, believe, the remissions were made But, even today, after notice is given about those remissions, if the estate officer takes it into his head and issues notice, what is the bar? He canno go into the question whether the ren is due or not. He cannot go into an such question. He has only to know that the arrears of rent are there, and he will issue the notice. The question of remission cannot be decided by him because he is unable to decide the question.

So far as the district judge is concerned, I think his powers have been defined, and now, the district judge has become a wooden automaton; he cannot go into the merits of the case, according to the definition of his powers by my hon. friend. Similarly, this estate officer cannot go into them. Therefore, unless and until a change is made in this behalf, I am afraid this officer will be able to effect recoveries from the slum-dwellers, as well as from the refugees and other people and even from the Government officers. I cannot understand why in a law of this nature, even ordinary equities cannot be gone into. When I come to clause 10, about which the Law Minister has given some explanation to this House, I shall have occasion to show from all the four rulings in my hand that even such equities as estoppal, even such equities as condonation by Government, even the question that a person is entitled to have possession on account of lease or mortgage have not been gone into because under the previous Act, as also under the present Act they could not be gone into. If that is so, my fear is that all those laws which safeguard the liberty of the people and their properties etc., will be given a go-by. And the only question will be whether the arrears of rent are due, whether the possession is with authority or not. The burden of proving that the person is in unauthorised occupation is not on Government; on the contrary, it is on the person against whom the proceedings are being taken, to show that he is not in unauthorised occupation. Similarly, when the recoveries are made, the burden will be thrown on that person, that is, the defendant, to prove that the money is not due and that he is not in arrears. If an officer could choose to give notice in spite of payments, he could very well do so, the man may have made payments, and yet the payments may not be given credit for. What would happen in such a case? He will issue notice of arrears of rent. And we know what the position of the accounts of Government is. I know that even in the case of people who have given their income-tax, notices have been issued against them; though it is noted down in the papers of Government that the income-tax has been paid by them, notices have been issued. When Government were complaining of income-tax arrears, it became a task for the Finance Ministry to find out why there were so much of arrears; and ultimately, it was found out by the income-tax authorities that the money had been paid in the treasury, and yet, in the accounts, it had not been shown. Similarly, in these cases, if the rent has been paid but if the accounts show otherwise, then the man will not be allowed to plead that he has paid the amount. Therefore, my difficulty here is that the provision here is of such a nature that I am afraid that unless this amendment is accepted, the arrears of rent or damages which have been received already and are not due will also be recovered. And what about damages? And what is the type of estate officer that we are going to have? Previously, I had argued,—yesterday and the day before—that Government would not appoint such people as will not be able to do justice. But I have heard from my hon. friend today that they have not got judges like this. He has admitted. Had he not admitted that, I would presume, as I had presumed on those two days, that Government would only appoint such people as would be able to deliver the goods. But now he says and he has confessed that there are not so many judges available; so many estates are there, and, therefore, Government cannot appoint such people.

If that is the case, then who will assess these damages? This gazetted officer will assess the damages? This gazetted officer from the Veterinary Department will assess the damages?

Ch. Ranbir Singh: Any ordinary accountant can do it.

Pandit Thakur Das Bhargava: But he is not an ordinary accountant. My hon. friend is giving his own experience, when he says that the accountant will know how to assess the damages. But a gazetted officer of the Veterinary Department will be the last person to be able to assess damages.

My humble submission, therefore, is that so far as these persons are concerned, kindly save them at least to this extent that the law of limitation should apply to the whole of India just as this law applies to the whole of India. And let these liberties and other safeguards of the people not be subjected to such laws as this, as my hon. friend wishes to do.

Shri C. R. Pattabhi Raman: The learned speaker who preceded me, I am sure, has in mind when he talks about barred debts, that it is a matter of sixty years. We are now dealing with Government land and Government premises. The limitation will be sixty years, so far as these items of property are concerned.

Pandit Thakur Das Bhargava: I never said about debts barred by efflux of 60 years. So far as lands are concerned, in regard to adverse possession of land, it is 60 years against Government, and against the corporation 30 years only.

Mr. Deputy-Speaker: The amendments are before the House.

Shri C. R. Pattabhi Raman: I am only wishing to draw the attention of the House to the fact that is it not the usual routine matter that we are having in mind here. We are now dealing with Government land, either Government vacant land or Government premises.

Shri Achar (Mangalore): If I may point out, the Law Minister himself admitted that it was not a question of admitted title. The hon. Member was just stating that it was Government land, and, therefore, the question of limitation need not be considered. On the other hand, the Law Minister himself had to concede that this law did not apply only to admitted title. The other man who is there may be having the title. Even then, it applies. Where is the question of Government land then?

Shri C. R. Pattabhi Raman: Denial of title is a matter of adjudication. I am not here arguing at all with regard to this, nor has it got any analogy with land acquisition proceedings.

Shri Achar: The essence of his argument was that it was Government property.

Mr. Deputy-Speaker: And, therefore, the ordinary limitation should not apply. That is what he has been arguing.

Shri C. R. Pattabhi Raman: That is all right. I am much obliged to you.

The stress is on the words 'is in arrears of rent'. So, the person must be in arrears. *Proprio vigore.* Unless he is in arrears, there is no case at all. The power of recovery is only when there is a case of arrears of rent. The question whether the person is in arrears of rent or not has to be satisfied first. The Supreme Court has held again and again that wherever a man has to exercise his judgment, it must be a reasoned judgment; in the case of income-tax cases too, they have said so on a number of times. The reasons must be recorded, whether the man is in arrears, whether they are proper arrears, whether they are arrears due and so on; and then only, the rent recovery proceedings can be started.

Shri Jadhav: For how many years?

Pandit Thakur Das Bhargava: Does my hon. friend contend that for Rs. 40 arrears, the man will have to go to the High Court and the Supreme Court to get a writ? That is no remedy at all.

Shri C. R. Pattabhi Raman: It is not as if that is the remedy. I am not saying that. I am not here saying anything with regard to the other clauses giving the right to appeal against the district judge to the High Court and so on. I am only saying that it is not a naked arbitrary power that is being exercised against that person. That is what we are concerned with here.

Mr. Deputy-Speaker: Does the hon. Minister want to say anything more?

Shri Anil K. Chanda: I am afraid I have to repeat the formula that I am unable to accept any of the amendments. In this connection, I may point out one thing with regard to what my esteemed friend Pandit Thakur Das Bhargava has said, so far as the Displaced Persons (Compensation and Rehabilitation) Act of 1954, to which previously a reference has been made by Shri Ajit Singh Sarhadi, is concerned. This was amended in 1956, and in sub-section 3, it says:

> "For the purpose of this section, the sum shall be deemed to be payable to the custodian, notwithstanding that his recovery is barred by the Indian Limitation Act, 1908 or any other law for the time being in force relating to limitation of actions.".

Pandit Thakur Das Bhargava: May I just enquire if my hon. friend knows that Shri Mehr Chand Khanna, at the time of the enactment of this measure, gave an assurance to the House that in regard to claims of evacuee property, limitation will be allowed to have force.

Shri Anil K. Chanda: I am referring to the Act as it is before us. Anyway, when I gave a statement esterday about remitted damages . . .

Mr. Deputy-Speaker: He says that in the face of the provisions of the Act, the assurances of a Minister would be of no avail.

Shri Anil K. Chanda: .....I showed the humane manner in which Government have been dealing with damages. Government know that these are poor people.

Ch. Ranbir Singh: This is a people's Government.

Shri Anil K. Chanda: Very much so.

Mr. Deputy-Speaker: If the same formula is going to be repeated, then we need not take much time.

Shri Anil K. Chanda: As for Shri Naushir Bharucha's point, before the estate officer gives his decision, obviously, if he is going to levy damages on a person, he has to state the accounts on the basis of which he is coming to a decision, and that will be reviewable by the appellate authority. Therefore, his fears are not well-rounded.

Mr. Deputy-Speaker: I shall now put all the amendments to clause 7 to vote. The question is:

Page 4, line 11,—

> *after* "person" *insert* "other than from scheduled castes and refugee".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 15,—

> *after* "person" *insert* "other than from scheduled castes and refugee".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4,—

after line 27, *add*—

> "Provided further that in prescribing the principles of assessment, the maximum possible consideration shall be

[Mr. Deputy-Speaker]

shown to the occupants having regard to the difficulties they may be facing as a result of eviction."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4,—

after line 33, *add*—

"Provided that it would be within the discretion of the estate officer to write off such arrears or damages or a portion thereof by way of a final settlement with such occupants of the premises, keeping in view the financial condition of the person concerned and other circumstances relating to the case."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 27,—

add at the end—

"Such notice shall contain a full and complete statement of arreas claimed, the rate and period of arreas and such other details as are necessary to complete the cause of action."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4,—

after line 27, *add*—

"Provided further that the estate officer shall record his reasons for such order."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4,—

(i) in line 11,—

for "payable" *substitute* "recoverable".

(ii) in line 12,—

after "premises" *insert*—

"in accordance with the provisions of the Indian Limitation Act".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 4, line 15,—

after "any time" *insert*—

"within the period prescribed by the Indian Limitation Act for the recovery of such damages".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 7 stand part of the Bill.".

The motion was adopted.

Clause 7 was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clauses 8 and 9 stand part of the Bill".

The motion was adopted.

Clauses 8 and 9 were added to the Bill.

Pandit Thakur Das Bhargava: All of them have been passed?

Mr. Deputy-Speaker: Yes.

Shri Naushir Bharucha: I have amendment No. 19 for new clause 9A.

Mr. Deputy-Speaker: I shall have to apply the guillotine since I have only ten minutes. The hon. Member might move his amendment.

Shri Naushir Bharucha: I beg to move:

Page 5, *after* line 26, *insert*—

"9A. The provisions of the Indian Limitation Act shall apply

> in computation of the time prescribed for instituting any appeal or other proceedings under this Act."

Mr. Deputy-Speaker: That point has been answered now.

Shri Naushir Bharucha: That is a different point. Now, I want that the Limitation Act should apply in regard to this Bill for appeal. What may happen is, the judgment may be given on one day but certified copies may not be available for one month. By that time, the period of appeal will expire, unless the Limitation Act is made applicable. The decisions have been that when a special Act creates a right of appeal and prescribes a time for that, then the Limitation Act will not apply. The position is that when a special Act creates or gives a right of appeal, when a special statute creates a new right of appeal, it lays down a special time for filing that appeal which cannot be extended by any court for whatsoever reason. If, therefore, certified copies of the order are not available, let us say, within 30 days, as it very often happens, the right of appeal will lapse and the man may be handicapped completely and the courts will say that since this is a special statute creating a special right of appeal and a special time limitation they are helpless and the time cannot be extended. Therefore, I have moved this amendment.

Mr. Deputy-Speaker: The amendment is before the House.

The hon. Minister. It is just computation and nothing else.

Shri Anil K. Chanda: If you will kindly refer to clause 13(2)(e) you will find that the rules may provide for the manner in which appeals may be preferred and the procedure to be followed in appeals. The discretion is already with the judge. After all, the appellate authority will satisfy himself. The rules also will say the manner in which appeals may be preferred.

Shri Naushir Bharucha: It is a substantive right. The rules cannot provide for it.

Shri Anil K. Chanda: Let me finish.

Shri Achar: There is also a proviso in clause 9.

Shri Anil K. Chanda: Yes; in clause 9 also, it may be seen:

> "Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time."

So, I do not accept the amendment.

Shri Naushir Bharucha: I do not press the amendment, even though under the above provision extension of time may not be as of right.

Pandit Thakur Das Bhargava: Will you allow me to move my amendment No. 50 which is for new clause 10A? It is on the same subject. It may be disposed of along with this.

Mr. Deputy-Speaker: Yes.

Pandit Thakur Das Bhargava: As a matter of fact, the law of limitation has to be applied I have to submit only two points. Firstly, my hon. friend has brought to my attention section 19 of the Act of 1956. But what about the rest of the world who are not displaced persons? Will the law of limitation apply in their case or not? I want a reply to this. The damages may be recoverable not only from the displaced persons but from other persons in India. Similarly, so far as the arrears are concerned, the arrears may be due from any person, apart from a displaced person. Then, it practically means that the law of limitation is being eliminated so far as all these actions are concerned. Is that the purport of the hon. Minister? Does he want it?

Shri Anil K. Chanda: Yes.

Pandit Thakur Das Bhargava: So, it means that we are not living in this land where the law of the land prevails. They want special powers and special officers; they want special rules of procedure and special rules of limitation for Government as against other properties. If this is the law of this country and a law of this nature, I think it can only be compared to the Droit Administratif of France where they have got two kinds of law—one for administration and the other for private men. All that laws must be the same in this country so far as the Government and the people are concerned. This is a departure of a very drastic nature from the laws to which we are accustomed. I would request the hon. Minister not to take this question lightly, and would ask him to apply this law of limitation. I am rather surprised at his telling me that there is a provision and there are powers with the appellate courts by virtue of which all this absence of copies of judgment with the appeal etc. is condoned. Under section 5 of that Act, ordinarily, every appeal, in his view, must be entertained. But here, neither the order of the Civil Procedure Code nor any principles nor the period of limitation as mentioned in limitation law has been taken into consideration. This is a law unto itself. If this is passed, I have nothing more to say. Only, new clause 10A may be rejected; I have no objection.

I beg to move:

Page 5,—

after line 30, *insert*—

"10A. The provisions of the Limitation Act shall apply in respect of recovery of possession of premises as well as recovery of arrears of rent or of damages."

Mr. Deputy-Speaker: Shri Naushir Bharucha does not press his amendment, No. 19.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 *was added to the Bill.*

Mr. Deputy-Speaker: Clause 10A—new clause.

Pandit Thakur Das Bhargava: So far as clause 10 is concerned......

Mr. Deputy-Speaker: I am putting clause 10A. Clause 10 must come before clause 10A. 10A could only follow 10.

Pandit Thakur Das Bharvaga: Please give me three minutes in the third reading stage.

Mr. Deputy-Speaker: Amendment No. 50 to new clause 10A is not pressed.

Mr. Deputy-Speaker: The question is:

"That clauses 11 to 14 stand part of the Bill".

The motion was adopted.

Clauses 11 *to* 14 *were added to the Bill.*

Mr. Deputy-Speaker: The question is:

"That clause 1, the enacting formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

Shri Anil K. Chanda: I beg to move:

"That the Bill be passed".

The time is very short and I do not think it calls for any speech from me. I request that the Bill be passed.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

Pandit Thakur Das Bhargava: I stated in my opening speech that if this law goes again to the high courts or the Supreme Court it will be held to be *ultra vires* and I maintain that position now also. The hon. Deputy Minister of Law and the hon. Law Minister came to this House and tried to justify this law by saying that the objection in the four rulings of the High Courts have been met. If they had made reference to the four rulings, that would have been better, so that we could reply to those points. I want to intervene at this stage because we could not get an opportunity to raise those points earlier. I now take this opportunity to reply.

If you look at the Punjab Act, the very reason which the hon. Deputy Minister gave here is contradicted by the last portion of the Judgment given under the Punjab Act. The Solicitor-General made the same argument as the hon. Deputy Minister made in the House and the high court held that this argument was not open to him; that, since the powers of the civil court are taken away, the law is *ultra vires*. The same thing is to be found in the Bill. All the powers of the civil court have been taken away and all the safeguards which any civilised administration should give and all the procedures which the civil administration should follow have been taken away. Therefore, they said that this section is *ultra vires*.

Secondly, we have just heard that the question of title will not ordinarily arise. I might refer to these three cases which were the subject-matter of adjudication by the high courts of Calcutta, Allahabad and Punjab. In all these three cases, you will be pleased to find that it was held *ultra vires*. In Punjab it was a case of a lease for 90 years. It was held that the matter about the lease could not be decided by the estate officer and as such the law was *ultra vires*. The Deputy Minister was not here when I spoke about the Punjab Act. It was said that this argument is not open to them. The hon. Deputy Minister, when speaking, also referred to the Punjab High Court judgment. If he kindly goes through it, he will find a complete answer to it. In the case in the Calcutta high Court, the matter was about hawkers in Calcutta, and it related to a transaction in 1930. It is not rare that such cases, which may be 30 to 40 years old, are brought into question. In Calcutta, it was a peculiar case. The hon. Deputy Law Minister took care to see, and wanted us to believe, that in cases where a question of title is involved, a suit may be had. The hon. Deputy Minister told us that anyhow the powers given under articles 226 and 227 of the Constitution were available. I do not doubt that writ applications can be made in spite of this law and in spite of such laws this House can make as long as the Constitution is there.

In Calcutta, the remedy by the civil court was available. After all, when a man is evicted, he will be evicted from the property and his right to possession will be taken away. The right to possession is a right by itself. When a suit is brought two months' notice is necessary, and by that time, the man will be out for two months. At the same time, the suit will not be decided on the very day. Even conceding that the right in the civil court is available, even then this law will be held to be *ultra vires*. Therefore, this reason by itself that it is possible for a man to go to a High Court or Supreme Court is of no avail. On the countrary, I should have expected that our hon. Ministers who are really representatives of the people will certainly realise that it is no easy matter to go to the High Court or Supreme Court to prove that a person is in authorised possession and to obtain a writ; such a law is no good law at all. This also means discrimination between an ordinary person and a person who happens to be in alleged unauthorised occupation of Government property. There should be no difference between Government

[Pandit Thakur Das Bhargava]

property and private property so far as the law is concerned.

15 hrs.

I can understand that the Government may be well-advised in having speedy remedy in certain respects when people take illegal possession, etc., but then they should provide a procedure in which the right of title is saved to that man. If you kindly see the Delhi Rent Control Bill, in clause 49 it is specifically laid down that so far as the question of title is concerned, whenever it arises, the Controller has to stay his hands and the matter can be taken to the civil court.

I therefore, submit that these three or four rulings are to be respected—they should have been respected; this House did not do well in disregarding these rulings—this is not the law that we should pass. We cannot set at naught the judiciary; it is an entirely wrong thing. This law should not have come in this shape, if these rulings are to be respected. I am very sorry that when these cases go again to the Supreme Court or the High Court, I am afraid our Legislature will be brought into disrepute, because we have acted in this manner and we have not respected these rulings. I would, therefore, submit that so far as I am concerned, I would like to oppose this law and not agree to it in any manner whatsoever.

Shri Anil K. Chanda: We took particular care in drafting this Bill to see that the objections raised by the various High Courts have been met and the legal opinion that we have had is in favour of the Bill—that it meets all the difficulties. I believe, Sir, there is always a question mark behind every law. One never knows how the Supreme Court would interpret a particular law. I do not know, it may be that Bhargavaji is correct and it may be that the law may be declared *ultra vires*. But so far as the opinions that we have secured go, we are on very firm ground.

Mr. Deputy-Seaker: The question is:

"That the Bill be passed".

The Lok Sabha divided: Ayes 66; Noes 34.

Division No. 4] **AYES** [15.05 hrs.

Achar, Shri
Agadi, Shri
Ambalam, Shri Subbiah
Bahadur Singh, Shri
Banerji, Shri P. B.
Basumatari, Shri
Bhatkar, Shri
Bhogji Bhai, Shri
Birbal Singh, Shri
Borooah, Shri P. C.
Chaturvedi, Shri
Daljit Singh, Shri
Damani, Shri
Dube, Shri Mul chand
Eacharan, Shri I.
Gandhi, Shri Feroze
Ganga Devi, Shrimati
Gohain, Shri
Hasda, Shri Subodh
Jinachandaran, Shri
Joshi, Shri A. C.
Joshi Shrimati Subhadra

Jyotishi, Pandit J. P.
Karmarkar, Shri
Maiti, Shri N. B.
Mandal, Shri J.
Mathur, Shri Harish Chandra
Mehta, Shri J. R.
Mehta, Shrimati Krishna
Mishra, Shri B. D.
Misra, Shri R. D.
Narayanasamy, Shri R.
Nathwani, Shri
Negi, Shri Nek Ram
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Pahadia, Shri
Panna Lal, Shri
Pattabhi Raman, Shri C. R.
Pillai, Shri Thanu
Radha Raman, Shri
Raj Bahadur, Shri
Ramaswamy, Shri P.
Rambir Singh, Ch.

Rane, Shri
Rao, Shri D. V.
Rao, Shri Jaganatha
Raut, Shri Bhola
Rungsung Suisa, Shri
Sadhu Ram, Shri
Saigal, Sardar A. S.
Sanganna, Shri
Sarhadi, Shri Ajit Singh
Sen, Shri P. G.
Sharma, Shri D. C.
Shobha Ram, Shri
Shukla, Shri V. C.
Singh, Shri H. P.
Sinha, Shri Satyendra Narayan
Sonawane, Shri
Subramanyam, Shri T.
Sultan, Shrimati Maimoona
Tariq, Shri A. M.
Tiwari, Shri R. S.
Tiwary, Pandit D. N.
Wilson, Shri J. N.

NOES

Banerjee, Shri S. M.
Bhargava, Pandit Thakur Das
Bharucha, Shri Naushir
Braj Raj Singh, Shri
Chakravartty, Shrimati Renu
Chandramani Kalo, Shri
Dasaratha Deb, Shri
Daulta, Shri P. S.
Gaikwad, Shri B. K.
Ghose, Shri Subiman
Godsora, Shri S. C.
Halder, Shri
Jadhav, Shri
Kar, Shri Prabhat
Kodiyan, Shri
Kunhan, Shri
Majhi, Shri R. C.
Manay, Shri
Masani, Shri M. R.
Mehdi, Shri S. A.
Mullick, Shri B. C.
Nath Pai, Shri
Nayar, Shri V. P.
Panigrahi, Shri
Parulekar, Shri
Patil, Shri Balasaheb
Ram Garib, Shri
Ramam, Shri
Reddy, Shri Nagi
Sonule, Shri H. N.
Sugandhi, Shri
Tangamani, Shri
Warior, Shri
Yadav, Shri

The motion was adopted.

Some Hon. Members: Shame!

15.07 hrs.

MOTION *RE*: FOOD POISONING CASES IN KERALA AND MADRAS STATES

Shri M. R. Masani (Ranchi—East): Mr. Deputy Speaker, I crave your indulgence to rise on a point of order under rule 186 of the Rules of Procedure of this House. I would like to bring to your notice that according to the statement laid on the Table by the hon. Minister of Health on the 11th August, the opening day of this session, there are cases pending against certain individuals in regard to the incidents which have been covered by the report which is the subject-matter of this motion.

The Minister of Health reported that the Kerala Government have registered cases against Messrs D. N. Nakhate of Chika Limited; V. V. Dabke, Shipping Agent; A. A. Jaffar, Captain, S. S. *Jai Hind*; G. Gopinath Kaimal, Chief Officer, S. S. *Jai Hind;* Sandhil, Second Officer, S. S. *Jai Hind;* Ibrahim Rajee Pathan, Cargo, Supervisor, Bombay; Rattansey Panchan, Steamer Agent; Albert Fernandez, Cargo Supervisor, Cochin and P. C. Varkey, Agent. Messrs Jaffar, Gopinath Kaimal and Sandhil have also been prosecuted under section 225 of the Indian Shipping Act.

I am sure we all agree that we want wrong-doers to be brought to book. But it is one of the principles of our Constitution and system of law that a man shall be presumed to be innocent until he is found guilty. I would like to have your ruling, under the rules of procedure, whether this motion can be debated without endangering a fair trial for 12 of our citizens who will be put up on trial for various charges. The charges levelled against them are serious—charges under section 304A and 284, punishable with imprisonment, for causing death through negligence.

At the very least, something that can be done might be, if the debate is not to be frustrated altogether, that there are 15 general recommendations made in this report before this House and these can certainly be discussed now without any prejudice to the trial of the persons concerned. But it would be most improper and would prejudice a fair trial if personal references were made or the guilt or culpability of people were referred.

Mr. Deputy-Speaker: I entirely agree with the hon. Member that when these prosecutions are pending and when the matter is under enquiry, if we refer to those cases and try to apportion guilt on certain persons, that would prejudice the enquiry. We are not entitled to do that. But, as he himself suggested, we can discuss in this debate whether

[Mr. Deputy-Speaker]

the negligence at all took place, what measures we can adopt to safeguard against such negligence and to guard against the recurrence of such things in future. Without apportioning blame on any particular person or individual, if the hon. Members take care not to mention those names or try to fix it on any particular person, then, of course, I am of the opinion that this thing can be debated here. I will request all the hon. Members just to see that we do not, we ought not, we should not and we do not prejudice the enquiry that is taking place in those courts. I hope all the hon. Members would be cautious enough to do that.

Shri Warior (Trichur): Apart from references to individual persons there are references to groups of persons and companies in the report here. Can I make a mention or reference to that?

Mr. Deputy-Speaker: Company's name might be mentioned. A particular person is guilty of such and such negligence, statements of such a nature should not be made.

Shri M. R. Masani: If I may say so, that is a subtle distinction. There are various officers of various companies who are facing trial. If parts of the report, which are not based on the judicial evidence, are read or commented upon, I do not think that would be any fair.

Mr. Deputy-Speaker: If we mention that such and such company, which was the consignee, was responsible for this incident, there would be no harm. We can say that such and such company was entrusted with the carrying of goods from one place to another. That can be done. But names should not be mentioned.

Shri Parulekar (Thana): Can we not read passages from the report? It is a public document.

Mr. Deputy-Speaker: Even if it is a public document, after that report, if an enquiry is pending before the tribunal or the court is adjudicating it, we should not prejudice it.

Shri V. P. Nayar: (Quilon): That is not the point. Shri Masani's objection seems to be on the ground that this motion relates to a matter which is *sub judice*. But this does not relate to that. In this motion we are only seeking to have a discussion on the subject. I entirely agree with you that we shall not here apportion the blame. That is not the object at all. When it is already a public document, no harm could be said to accrue to it out of a reference to it by reading some portions. Shri Masani, who is very studious in such matters, could very well have taken objection when it was laid on the Table of the House. Even then the reference made in the document could have been taken to mean something which is a reference to a matter under trial. Having left that opportunity, now when the motion has been balloted and accepted, I think he has no case, and we are certainly entitled to make a reference to it without comment.

Mr. Deputy-Speaker: Balloting the motion would not make any difference. If the motion has been balloted and it has been decided that there would be a discussion, that would not make any difference, so far as that adjudication or investigation is concerned. But I do agree that if only Members say that the report mentions or says such and such thing, there would no harm. That will be the views of the persons who made that report. So far as the speakers here are concerned, they should not make their own comments about those individuals who are facing trial.

Shrimati Renu Chakravartty (Basirhat): A few days ago, when Shri Asoka Mehta read out bits from the telegrams and cuttings, which were matters of *sub judice*, we did not object. So, I do not quite see any reason why he should object to this.

Mr. Deputy-Speaker: There was no reason why she should not have objected to that at that time. In that case, the objection would have been upheld. Now we will proceed with the discussion.

Shri Warior: I beg to move:

> "That the Report of the Commission of Inquiry into the cases of food poisoning in Kerala and Madras States, laid on the Table of the House on the 11th August, 1958, be taken into consideration."

While moving this motion, I wish to make certain observations. The scope of enquiry was very limited, because the terms of reference were prepared immediately after the tragedy in one of the Lok Sahayak Sena Camps in Sasthankotta in Travancore. Had it not been for that incident, which shocked all of us here—and there were questions and answers about that and a statement was also made by the Defence Minister—had it not been for that occurrence, the whole story of this poisonous substance, folidol would not have come to light. That tragedy has helped the State Government to know the position and to make the Central Government institute an enquiry. So the Shah Enquiry Commission was commissioned. The Commission made an elaborate enquiry in Madras and Kerala States and had given certain findings and certain recommendations which are, in my opinion, to be considered very urgently, because it involves the lives of so many hundreds of thousands of people of that area.

The terms of reference are:

> "Whereas the Central Government has received reports of a large number of cases of food poisoning in various places in the States of Kerala and Madras during the period between the second week of April 1958, and the middle of May 1958, resulting in many deaths, in particular at Parur, Trichur, Tiruppunithura, Sasthankotta and Trivandrum. . . ."

These are the incidents covered by this Report. But within the Report itself, mention has been made that the substance, the poison which contaminated the food and caused the death of innumberable persons, has caused certain other ill-effects in some other places, which are not covered by this enquiry. This poisonous substance, which is called folidol, is being imported by certain firms in Bombay, particularly one firm, from the year 1954. That is what is mentioned in the Report. But my information is that this substance is being imported from the year 1952 onwards. So, from 1952 up to 1958 this import has been going on. In 1958, unluckily for this firm, an incident occurred. Even before the Sasthankotta incident, various other incidents occurred. But we thought they were diarrhoea or cholera, because that was the season for those epidemics. Naturally, we did not mind it. The only thing is that police took certain steps to prevent contaminated food being distributed. The State Government was satisfied with it and we thought the matter will end there.

Then, all of a sudden, the Sasthankotta incident occurred. One fine morning, the unknowing boys in the Lok Sahayak Sena Camp in Sasthankotta in Kerala State near Quilon complained that the food tasted sour. Food is always a matter of complaint for the cadets. The Major thought that it is the usual complaint. So he abruptly, without looking into the matter any further, wanted to test it. and he tasted the food. The test was successful and the Major, unluckily died. From that incident, we knew that some substance was mixed with food, and this has been going on in our country from 1952 onwards, or from 1954 as reported by the Commission. All of a sudden, we were told that the substance is called folidol.

Now what is this folidol?

Shri Nath Pai (Rajapur): Dr. Shenoy knows it.

Shri Warior: Because, I want to be sure of my facts. In the Report itself there is a chapter on folidol.

In Chapter IV, page 56, the opening sentence itself is this:

> "Folidol E-605 is an emulsion containing 46·7 per cent. parathion, chemically known as diethyl paranitrophenyl thiophosphate. The poineer work in this and other organophosphorous compounds was done by Gerhart Schrader, a German scientist,. . . ."

That is to be noted because I am coming to it specifically.

> ". . . .at the Elberfued Laboratories of I.G. Farber Industrie, about the year 1944."

The year is particularly to be noted. Not only that, Scharder has a metamorphosis now.

> "Schrader was engaged at that time in the study of chemical warfare agents, and synthesised scores of compounds containing organo-bound phosphorous. After World War II Schrader turned his attention to using organophosphorous compounds as pesticides."

So, the Folidol story begins in 1944 and the first invention of Folidol is as a chemical warfare weapon. This is used to kill people, to contaminate drinking water and to contaminate foodstuffs and thereby people and cattle and all those things will be eliminated without actual firing.

There had been reports even in war time that fascist Germany was using chemical poisons in order to annihilate wholesale countries—people, cattle, vegetables and all other things in this places where they had occupied. The year 1944 is to be noted because 1944 is almost the last stages of the war. By that time only this particular substance, Folidol, was found out by that German scientist. They were unable to use all this material that they had produced at that time. That is my information also. These were the disposal goods.

After the war in 1946 this same German scientist turned his attention to the profitable business of changing the label of this poisonous substance into insecticide or pesticide and put it to agricultural use. That is how the change has come.

I have other things also mentioned here, but I do not want to go into them. Dr. Natarajan, Analyst of Madras, who had been analysing this, has stated that Folidol is a substance which will enter into the system of men by mere contact or by inhaling. It may not be coming into contact with the skin even or getting into the body. Even inhaling it is poisonous. My understanding and what I am told by eminent scientists in Trivandrum is that this parathion, the poison contained in Folidol, is very venomous, not only venomous but it is a cumulative poison whereby the scientist means that it will remain in the body, in our system, once it gets into us by contact or by inhaling or by some other oral methods. When it goes into the body it remains there for any number of years without being dissolved or absorbed by the system and if at a moment the victim is weak and vulnerable this poison will act and cause even death. That is the particular characteristic of this parathion which is not only a very venomous poison but which is accumulative poison. It is a contact poison and it is never absorbed by the system of men. Such a poison is contained in it and it is very difficult to detect this.

Only very recently I am told that in certain laboratories in the U.K. the experiment had been going on in insecticides and pesticides and they had prescribed certain rules, to which I will come later. Only recently we have found out that it is such a poison and this had been going on contaminating our countryside and plantations and such other places for the last so many years.

In the Report on page 56 there is mention of Dr. Natarajan's findings. I do not go into all those details but I wish to say that in 1952 this Folidal began to come by air to India. It came by air and not by ships. It was through the airways that the first consignments had been brought and that is also mentioned in the Report. For instance, I will quote.... (*After a pause*) I will come to that point later Anyhow, I shall mention that the importers are Chika Private Ltd. of Bombay. It is mentioned in the Report itself that this Chika Private Ltd. is having a principal in Germany which is called Bayers of Germany. They are the sole importers, *i.e.*, Chika is the sole importer here and Bayers, I am told, is another subsidiary or a mere change of name of I.G. Farber Industrie, which I had mentioned before as the originators of Folidol in 1944 as a chemical warfare material.

After the War when these disposal goods were there, they did not find any market for this in any place in Europe. That is a very important aspect of the question. I am reliably told by scientists who have lately come from U.K. that Folidol is not used on the Continent or in the U.K.

Shri Jinachandran (Tellichery): Is it not used in Kerala at present and is it not recommended by the Agriculture Department to agriculturists for use?

Shri Warior: I will come to it. From Germany I am starting now.

An Hon. Member: He is coming by airways.

Shri Warior: No, it is coming by radio.

The point is....

Mr. Deputy-Speaker: He should take note of the time also. Now he is on the high seas and it might take him some time.

Shri V. P. Nayar: But the tide is in his favour.

Shri Warior: I started only 15 minutes or so ago.

Mr. Deputy-Speaker: I am not stopping him. Because he said that he is starting from Germany........

Shri Warior: But I can come very easily.

An Hon. Member: He is coming by sea.

An Hon. Member: He is not coming by sea. He is coming by air.

Shri Asoka Mehta (Mazaffarpur): He has a *sputnik* behind him.

Shri Warior: The Report says that this substance is also going to some other countries as Brazil and other undeveloped countries, particularly agricultural countries. They are exporting it from Germany as insecticide. They know that this contains poison because on page 16 there is a reference to that. Somebody acted as a clearing agent for Chika Private Ltd. That somebody might be under some prosecution. I do not know that.

> "Dabke had acted as a clearing agent for Chika Private Ltd. when folidol was received by air from Germany. In the Air Freight Bills folidol was described as poisonous liquid, and there was an express direction that it should be stowed away from foodstuff."

Now, what happened here? Here they shipped the 55 crates of Folidol to Cochin, but did they comply with all the regulations of packing? They did not do that. Chika, the agents, had special instructions. They knew particularly well what this poison was. Still, they are now pleading that they did not find suitable material

[Shri Warior]

or sufficient quantity of aluminium for packing these things intact so that there will not be any leakage when it is shipped to other places from Bombay. I think they did not put specifically what it is. Of course, the word "Poison" was marked there. Actually this thing was described in the statement. A statement has to be given elaborately and that is described in that statement. It was put as "harmless chemical for agricultural purposes." On the bottle they put it poison. That is ordinarily done because there are so many types of poison and nobody will care to take serious note of it.

Finally, these 55 crates reach Cochin and there it is found by the importers that 15 of them were broken or leaking. In the whole hatch of the ship where foodstuffs had been kept the crates were leaking and folidol was flowing freely. It was taken out from there to the godown of the shipping company's agents. I do not mention their names because the mention of names is obviously bad. It was taken to the godown where tea chests expected to be exported to America were there. The police officials in Kerala had to tell them either to remove the flowing folidol or remove the tea chests or else they will be taken to task. I am told that even prosecutions had to be launched or cases registered so that the thing will be taken seriously. They were not amenable to reasonable arguments for removing them. The contamination of food occurred in the hatch of the ship. Even though all these people who had shipped this and who had taken delivery knew what it is—almost all of them knew that the substance contains poison—they freely distributed all these foodstuffs and the tragedy had recently occurred in Madras and also in the Kerala State.

Time is up. I do not want to go into more details about all these incidents, because, all of them are narrated here and so many prosecutions have been there, as an hon. Member said. I do not infringe the law here. I do not want to place the responsibility for all this on anybody else, on these private persons. First of all, this is a war material, disposal material, of war stuff. In that sense, the Defence Ministry ought to have known it. This comes from abroad. The Commerce Ministry is there. This is poisonous substance. The Health Ministry is there. This is freely used in the plantations where thousands of labourers are unprotected according to the Regulations of the W.H.O. which has suggested protective regulations. They have made so many suggestions. These are all infringed. All are breached and the workers are freely using it, not knowing what it is. After all, the Agriculture department is using it and from the statement we find that 25 medico-legal cases had come to the notice of the Chemical Analyser of the Madras State Government. He had submitted reports about all these and the Government are not taking cognisance of the serious situation, created by this substance. Further, the Customs officers are there. They also must take cognisance of this substance because statements are given to them before shipping. The shipping agents are there, the shippers are there. There is an elaborate machinery before shipping is done. Before a cargo is taken into the hatch of a ship there is an elaborate process. So many persons are handling the stuff and handling the documents that they can know if they want before they ship a cargo, especially poisonous cargo because all the Acts are there. Our Shipping Act is not all comprehensive. The Central Government has made applicable certain recommendations contained in the Report of the U.K. Working Party. On all these things, I would have referred to the report, but I do not find the time.

After all these things, what has been done? It is said that out of 106 persons who died at that time, as reported to be due to folidol contamination, the Commission is sure, 104 have died out of the poison of parathion. The people who have died are poor persons. They usually take in this imported rava, imported atta, etc. Some of them have eaten biscuits. Children of 3 years and 2 years have died. The compensation given to the bereaved families amounts, in each case, I am told, to Rs. 300. The Kerala Government has suffered immensely because so much of foodstuff they had to cordon off and not allow them to be distributed to the merchants. Government had to stock all that and they could not release them to the open market. Compensation should be paid when the merchants have not taken delivery of this at all. The Kerala Government had instituted an enquiry on the 7th of May and when Shri Karmarkar, our Health Minister was replying in this House, a report had been submitted by the Chemical Analyser in Trivandrum that parathion is detected in folidol and action must be taken. It is on that report that the Kerala Government took action and much of this tragedy minimised.

There is the question of giving adequate compensation to the families. I am saying this without referring to any person. All these Ministries are involved. All these Ministries ought to have known from 1952 onwards that this poisonous substance is circulating here. It was an indirect warfare. It is chemical warfare done by the ex-fascists of Germany who had been shipping it here to unknown persons. Hundreds of thousands of labourers had been using it. Doctors have been baffled to know what its effect is, because it is very difficult to detect the effect of small doses of folidol, I am told. Only very recently we have got certain instruments which could detect even the smallest doses. The smallest doses are not detected and persons affected by that quantity of folidol or parathion will not show any symptoms of disease. The poison will, remain there marking time and afterwards, it will react. Thousands of our workers in the plantations and thousands of labourers in the fields, paddy fields especially and in the orchards are using it. The people who are freely distributing it do not know what the contents are, how poisonous and venomous they are and how dangerous it is for the life of the people. No protection is given to the labourers especially in the plantations and in the agricultural fields.

I request the Ministries, especially the Health Ministry to look into the matter and have a sort of enquiry made into the whole affair from 1952 onwards, how many persons as affected in the plantations and in the fields, because the Agriculture Department can show and trace out who have taken the material, and where they have been used. All these things can be ascertained and this enquiry must be instituted by the Central Government itself, because, primarily the Central Government is responsible. I place that responsibility on them. Not only the Health Ministry; the Health Ministry is not the only Ministry responsible. Because drugs comes under this Health Ministry and this thing comes under drugs, it is the Health Ministry's responsibility. The Commerce Ministry is also responsible because this is an imported material. The other Ministries are also there. For instance, the Agriculture Ministry, the Labour Ministry. All these have to come together and put their heads together and see first that folidol is banned and adequate compensation is given to the people and a thorough enquiry into the importation of this very poisonous and venomous thing is made.

Mr. Deputy-Speaker: Motion moved:

"That the Report of the Commission of Inquiry into the cases of food poisoning in Kerala and Madras States, laid on the Table of the House on the 11th August,

[Mr. Deputy-Speaker]

1958, be taken into consideration."

Shri Achar (Mangalore): Mr. Deputy-Speaker, before I say a word as to what may be done, I would like to draw the attention of the House to some salient facts which rather surprise an individual. This Folidol which is a very virulent poison—the report also mentions it—is being imported from about 1952, and is a product got from Germany. Though it has been coming into this country from about 1952 we did not hear that it had created any havoc earlier than the incident at the Defence Ministry camp. Earlier than that we had not heard that people had died on account of it or that any serious incident had taken place.

Shri Maniyangadan (Kottayam): There were reports in the papers.

Shri Achar: I had not heard much about it. Whatever it be, it had not taken any serious turn anywhere. It was for the first time we heard about it last March or so. What is the reason?

When I went through the report, I felt that earlier, great care had been taken about its mode of packing and bringing it here, or shipping it from one place to another. The report also mentions the fact that they were using aluminium containers. It has also been vouchsafed by some evidence adduced which is referred to in the report. It is only recently that wooden containers were used. That seems to be one main cause why this container was damaged and the poison got into foodstuffs like sugar, wheat flour and other things that were in the same steamer. So, the first point I would like to mention is that this important matter has to be attended to. The German company was sending it in well-packed aluminium containers. They were rarely damaged, probably at no time. So, there was no difficulty. This tragedy occurred on account of this fact, this negligence I would say, with regard to the proper packing of this poison. Probably if I refer to it more and to Chika (Private) Limited, my hon. friend Shri Masani may object to it, because the question may arise on whom the responsibility rests. So, I will leave it there. But this is a most salient fact and must be very well looked into by the Government to see that such things are not hereafter allowed.

The next important point that struck me was how it happened to be taken from Bombay to Cochin in a steamer which had no partition at all for the carrying of poisonous materials. I am told if there is any poison or any dangerous material the practice is to have it in different compartments. They technically call it "tween compartment" or something like that. The name of this steamer I find is *Jai Hind*.

An Hon. Member: A very good name.

Shri Achar: Anyhow, it has not brought any Jai Hind for us.

Shri V. P. Nayar: It has brought Jai havoc.

Shri Braj Raj Singh (Firozabad): Jai death.

Shri Achar: It was shipped from Bombay to Cochin, and the most wonderful portion of it is that, though every one of those crates had a label saying it was poison, this material was shipped from Bombay to Cochin as a "harmless chemical". Of course, there again, if I go into the question as to who is responsible for this, it will again be a matter *sub judice*, but the fact remains that it was noted as a "harmless chemical" and was sent from Bombay to Cochin. This is rather surprising. When we go into the report, it looks as if everybody avoids the responsibility. The main person in charge of the steamer, the captain or other officers, everybody says it is not his business. One thing is certain. Without going into the question of responsibility, nobody seems to have looked into this matter before allowing this material to be put into the steamer.

We are going to have this Merchant Shipping Bill shortly, and under the British shipping companies there are certain rules, and they are also referred to in this report. There are very strict injunctions as to how these poisonous materials should be allowed to be put into the steamer. So, it is rather strange that this shipping company should allow this material to be put on the steamer as a harmless chemical when every one of the crates bore the label of poison. It is as much the duty of the shipping company as the persons who bring it into the country to see what the nature of the material is.

Of course, two reasons are given. Firstly, the rate for poisonous materials is very much higher than ordinary substances or other goods. So, to avoid that probably the importers resorted to this method and said it was a harmless chemical. Or, it may be sometimes these ships do not take them in because they may not have a separate place for that. Whatever the reason may be, the shippers managed to put this material as harmless chemical, and the shipping company managed to take it in and brought this material, this "harmless chemical" to Cochin.

The next surprising fact that we find is that though these packages were damaged and it was realised that some portion might have leaked out, nobody attends to it, and as to the consequence the report has elaborately gone into that matter. The report has gone into the question and connected this importing and particular incident in several places. More than 100 persons have died and more than 400 became ill. The fact is there. The report also refers to the fact that this is a very highly poisonous material.

One thing struck me as important, and for those who have not read the report I may mention that. It happened that a small portion of Folidol was kept by a housewife in a loose packet in an open window. It was left there and on the dining table a small plate was left without a cover. By breeze or something like that a little of this liquid happened to enter the plate which was left uncovered. Subsequently the husband comes, he is served food on that plate and within a few hours the individual expires.

Another incident has also been reported. A little sugar worth one anna or so into which this Folidol had to some extent entered was utilised, the tea prepared out of that sugar was taken, and the individual expired.

I am mentioning these facts only to show that this is a very, very virulent kind of poison which kills the human being so easly. So, the first reaction in me was whether it was worthwhile to import such a material at all, whether Government should not take action in the matter. But when I had a talk with certain persons who are utilising this in their agricultural operations, they said that sufficient care was taken and it was one of the best insecticides. So from the point of agricultural production, specially cash crops, this seems to be a very good insecticide, and they are not inclined, naturally, to bar it until we can get another substitute. So we cannot altogether ban the import of this until we can get another substitute for the purpose. But so far as I could see, the attention that has to be paid is mainly in respect of the mode of packing it and seeing that the shipping companies are also made responsible to examine it thoroughly and then alone allow it to come into the steamer. Equal responsibility should also be placed on those persons who are importing it. Extreme care

[Shri Achar]

has to be taken with such a type of virulent poison.

The Report is a very thorough and judicial pronouncement. Very carefully the matters are weighed. They have also made recommendations as to what should be done. So I shall not go into that. But I would only say that the greatest responsibility lies on the importers and distributors, and Government should see that sufficient control is kept over them.

Dr. K. B. Menon (Badagara): Mr. Deputy-Speaker, Sir, I participated when the subject came up for discussion at the fag end of the last session. I had then only scrappy information picked up during my flying visit to Kerala. Since then, I have better acquainted myself with the subject. We have also before us three valuable documents: the Report of the Committee appointed by the Kerala Government, the proceedings of the Kerala Assembly where the subject was discussed threadbare and now the Shah Committee Report published by the Union Government. We supplement all these with our personal information on the subject.

So much has been said about folidol, the poison. My feeling is that when we spotlight folidol as a poison and ask for it to be kept away from our country, we are sidetracking and side-shunting the issues that are before us as a result of the deaths that were caused by the folidol itself. Folidol is certainly one of the most poisonous insecticides. But some of the worst poisons are the most useful things in the world and to ban it from import into India would not be fair. I would therefore suggest to the Ministry of Health and other Ministries that they should not think of banning the poison, but of placing restrictions on the import and the use that is made of the poison.

Let me get back to the three documents that I referred to which are before us. The Shah Committee places before us very valuable data on what happened in Kerala. If we study the figures given by it, the whole incident started on 13th April. On the 13th April itself, there were 10 deaths in Ernakulam. The police sub-inspector who investigated did not annex or take charge of the vomit of the persons who were dead. The police officer did not conduct a *post-mortem*; probably he could not do it because the family objected to it. But he certainly should have taken charge of the vomit and should have sent it for chemical examination which he did not.

As I said, on the 13th, when it started, 10 deaths took place in Ernakulam. From the 13th to the 24th April, there were 24 deaths in the district of Trichur alone. It is obvious from the Report that in some of these cases the health officers did prepare reports, but nothing was done. That the health officers and the police officers who investigated these deaths in all these places, Trichur, Tripunnitura, Parur and Trivandrum, kept their papers on the files, is rather too fantastic for me to accept. They must have reported to the Government. I take it for granted that some of them at least reported the fact to the Government. But the Government did not move in the matter. It took the tragic deaths of 65 persons and sickness of 200 persons at the LSS camp at Sasthan-cotta to hammer that much of sense into the Government for the Government to move in the matter. I think the 65 mass deaths at the LSS camp alerted the Government, not only because of the deaths but because of the fact that it was a military camp and the Centre moved in the matter. I think with the Defence Minister's statement things began to move. It was only after 84 deaths took place and after nearly 400 persons had fallen sick that any move was made by the Government of Kerala in order to investigate the deaths caused by folidol. If the Government of Kerala had moved as soon as there were 10 deaths at Ernakulam on the 13th April, the rest of 98 deaths out of 108 would have been prevented —if the Government of Kerala had been awake and prompt in their action. But nothing was done. 29 deaths happened before the 25th. It was on the 29th April that the incident at the LSS camp in Shastamcotta happened.

Therefore my submision is that the Government of Kerala did not move in the matter, the officials were careless and they did not take action at the proper time. The terms of the Committee appointed by the Kerala Government were very limited; the Government did not want the Committee to inquire into the responsibility of the officials. In spite of that, the Committee reported that the officers were not prompt, that they did not take proper action at the proper time.

One interesting fact of the discussion in the Kerala Assembly is worth mentioning. That was during the dicussion when one of the members, Iddikula, by name, asked the Treasury Benches whether it was not a fact that a private circular was sent by the Communist Party to their units asking them to be careful about folidol.

If the party could send a private circular............

Shri V. P. Nayar: What was the answer?

Dr. K. B. Menon: There was no reply. The Treasury Benches suggested that one communist member died. Then came the sharp and shrewed question from the Opposition whether that Member had not died before the circular went out and there was no answer. (*Interruptions*) Therefore, I take it for granted that the Treasury Benches had no answer to give. But, that is by the way.

Whatever that be, the fact remains that no action was taken by the Kerala Government. If prompt action had been taken by the Kerala Government, 98 deaths out of the 108 that happened and the sickness of 1031—the total given deducting about 100 or so or practically deducting nothing and I do not have the figures of these things—all these could have been avoided.

From a little personal investigation that I conducted when I was in Kerala after the last Session, I understood that the merchants of Calicut had purchased from the merchants of Ernakulam some bags of sugar at a lower price—lower by Rs. 10—and it is the transport of this sugar and its distribution in the various parts of Kerala, particularly Malabar—I am referring to it because it is far away—in Calicut and Cannanore that was responsible for this spreading of this poison to the other parts of Kerala. No action still has been taken and my information is that the contaminated sugar is still there in some shops in Calicut and Cannanore. My feeling is that the merchant is interested primarily in his profit, that he is not going to throw away the sugar that he has on hand and that when everything has quietened down, this sugar will again find its way into the rural areas in Kerala and that more deaths are likely to happen if the Government does not rise equal to the occasion and try to get hold of the sugar that is in the godowns of some of the merchants.

It is the duty of the Government to see and check up every lb. of sugar that has left Ernakulam and see that every bit of it is confiscated. In the case of oil or even atta, it does not affect much but I understand that in the case of sugar it forms a compound and that the only way of getting rid of it is to throw it away. Nothing else can save the sugar. Therefore, my submission is that Government should see that all this sugar is confiscated and that no risk is taken in this matter and that the

[Dr. K. B. Menon]

health of the citizens is not placed in danger.

Shri Maniyangadan: I fully agree with the mover of the motion, Shri Warior that the incidents of Sasthankotta L.S.S. Camp turned out to be blessing in disguise for the people of Kerala. That unfortunate incident took place on the 29th April, 1958. Before that, in 7 places in different parts of Kerala, food poisoning cases took place and all of them were reported in the papers. Dr. K. B. Menon referred to the incident on the 13th April. Thereafter, on the 19th, 22nd in two places, one in Ernakulam and one in Trichur, and on the 23rd, 24th and 25th, on all those days, food poisoning cases were reported in the papers. And, on the 29th there was this sad incident at the L.S.S. Camp.

On the next day the matter came up before this House and the mover of the present motion then threw out a suggestion that the atta obtained by the Kerala people from the Government of India seems to be poisonous and that necessary steps should be taken. I refer to this because regarding those 7 incidents which occurred prior to the L.S.S. Camp incident no action was taken and if proper action had been taken in time, so many lives could have been saved. But for this L.S.S. Camp incident, I am afraid, thousand of people in Kerala and the neighbouring States would have died.

The hon. Health Minister of Kerala was asked in the Kerala Assembly about this series of incidents. I may submit that he was rather indifferent to these things. He was asked whether any enquiry was made into the incident of the 13th April. He said: 'It is not easy to make enquiries'. Then, again, he was asked whether Government had any information regarding these deaths on account of poisoning. He would say that there were paper reports but the paper reports could not be depended on. That was the attitude taken by the Government of Kerala, and, as a consequence of this, all these unfortunat incidents took place. I do not want to cast the blame for these poisonings on the Government of Kerala. But now, coming here and saying that some other people were responsible......

Mr. Deputy-Speaker: The hon. Member could very well refer to the answers that had been given there by the Health Minister in the Kerala Assembly but he should no cast any further reflection against the State Government.

Shri Maniyangadan: I am no casting any reflections. I only say that Shri Warior, the mover of the motion was saying that the Kerala Government took all steps that were possible and in spite of that, "on account of the defect in the rules and on account of the failure of the Health Minister of the Central Government and also the Commerce Ministry of the Central Government, these incidents took place. I do not want to cast the blame on anybody, neither on the Kerala Government nor on the Central Government.

Shri Tangamani (Madurai): How did it happen?

Shri Warior: I wish to make one submission to correct my hon. friend. I did not say that these incidents were directly the responsibility of the Central Ministry. I was speaking in a general way about th importation and distribution of these things. But this is making a wrong analysis of what I said. The hon. Member is giving an annotation of it in his own way.

Shri Maniyangadan: I accept my friend's correction. He may not have said or I may have misunderstood him or I might have been presenting it in a way which was not what I intended. Whatever it is, I accept his corruption....correction.

Mr. Deputy-Speaker: This is correction and not corruption.

Shri Maniyangadan: The report mentions these incidents datewise and it could be seen if action were taken in proper time these could have been prevented or subsequnt things could have been prevented. Action was not taken; that is all what I want to submit.

Again, it is not proper to prohibit this folidol from being brought down. There are some suggestions in this report to prevent harm being done by this material. These methods should be adopted.

In the report, it is said that two officers of the Government gave different versions. The Director of Agriculture and the Plan Protection Adviser have said that this insecticide is very useful for agricultural purposes. Shri P. D. Nayar, Director of Agriculture in Kerala says that licensed sale of folidol should be introduced. The other officer, Shri C. J. Solvarajan also says that the use of folidol was highly beneficial to agriculturists, especially to control pests in paddy and that folidol was sprayed only when an officer of the State was present and not otherwise. He says that the containers of folidol were sold to agriculturists and the agriculturists were given the assistance of a State employee in spraying folidol. But the other officer, Shri P. D. Nayar contradicts this statement. He says that there is no such officer appointed and there is nothing of that kind happening. There is this confusion. I myself do not know whether there is any rule there which says that folidol should be sprayed only in the presence of an officer. These are the contradicting versions of the two officers of the Government there. If proper care is taken at the time of spraying this material, the harm suggested by my friend Shri Warior could be avoided. In these matters, it is not the Central Government that can in any way control. In the matter of import of these things, the Central Government has to do certain things. After it is being imported, when it is in the field and when it is sprayed subsequently, if the harm is to be prevented, it has to be done by the State Government. So, to completely cast the responsibility on one Government will not be proper. I only want to suggest that both the Central and the State Governments should cooperate in this matter and should not speak that one Government or the other alone is responsible.

I would refer to the incident which took place on the 13th, which my friend Dr. K. B. Menon referred to. No inquest, it has been said, could be held because the police inspector was asked not to do so by a large number of people. It is a sad commentary on the policy of the Government with regard to the police activities in the State. When ten people die and the sub-inspector of police goes to the place, some people gather there and say that no inquest should be held and the police officer walks away without doing anything. If such a state of affairs exists, there is no safety for the people from such incidents. Unfortunately, due to the negligence or carelessness on the part of the persons responsible for bringing folidol into the State, some food materials were contaminated by the poison and as a consequence ten people died in a particular place on a day. Nothing could be done by the officers. Then what is the officer for? If he had taken proper steps at that time, then the subsequent things would have been prevented and the source from which the poison could come could have been found out and there would have been an end of the deaths that took place subsequently. The Agriculture department of the State must take proper steps to see that spraying of this material is done properly without any harm. In the matter of imports and also while handing over it to the agriculturists. there should be proper checks. It is reported to be a very good material as an insecticide and the agriculturists welcome it. That is

[Shri Maniyangadan]

being used in the State and in the different parts of the country for the last so many years. All these things happened only this year. There may be defects in the rules and the report contains suggestions regarding amendments to those rules. The Merchant Shipping Bill is also before the House and so it is the proper time to introduce amendments; the Select Committee stage is also over. The other rules also may be taken up. There are certain prosecutions pending. Of course, whoever is responsible for the carelessness which resulted in these incidents will ultimately be punished and there is no meaning in bringing in party politics; there being the Government of one party in the State and that of another Party in the Centre, one should not say that all that happened was due to the Central Government and that the Central Government alone is responsible or that the Central Government should take steps and that the State Government has done everything all right. There is no meaning in saying all these things. It is a thing of which everybody should take serious notice and proper action must be taken to prevent future happenings.

Shri V. P. Nayar: Mr. Deputy-Speaker, Sir, I am really sorry that the two hon. Members who preceded me have taken this opportunity of participating in this debate to lay the blame on the Government of Kerala. As I heard them and I listened to their speeches with rapt attention, I could not escape the feeling that they had not chosen to read the report at all, and they were trying to use the opportunity—as one of them sometimes does in this House—to cast an aspersion or twist the facts in such a way as to cast an aspersion on the Government of that State for reasons which we all know. Sir, I was reminded of his party, and also the party of my hon. friend, Shri Maniyangadan, who could convert an incident in which a girl fell from a running bus and died as having been assasinated and parade with the dead body. I could, therefore, appreciate....

Mr. Deputy-Speaker: Some individual might have done that; but why impute motives to the party as a whole and then create these controversies. I pulled up Shri Maniyangadan, and he accepted the correction.

Shri V. P. Nayar: Sir, you can remove a poison from a body, but the poison from a speech is very difficult to be removed.

Mr. Deputy-Speaker: That is why I am asking him not to bring any poison in his speech.

Shri V. P. Nayar: I would try to neutralise that.

Dr. K. B. Menon: Sir, I may point out....

Shri V. P. Nayar: Sir, I am not yielding to Dr. Menon now. If he had chosen to read the report he would have found that the report very clearly says, that although this substance was distributed at several places only the Kerala Government took timely action. I shall only read one or two sentences, because the charge here was that despite certain deaths, despite the fact that certain investigations were already there, the Government of that State sat smug. He also went on to refer to a particular question in the Assembly and said that it was not answered. What is the fact? This report is drafted by three persons who have studied the question with all patience, examined over 150 witnesses and toured extensively. Dr. Menon sitting here passes a judgment on this and says that the Kerala Government is responsible. What does the report say? On page 68 it is said:

> "It appears that except by the authorities of the State of Kerala and the merchant community of Mattancheri, who can be regarded as the person or persons con-

> cerned, no steps were taken to prevent further distribution of contaminated food or foodstuffs. When it came to be known that there had been many fatal cases of food poisoning, the State of Kerala took prompt steps to investigate the source of contamination;"

Dr. Menon did not concede that, although the Commission is charitable enough. Then it is said:

> "....and when it was found by Sub-Inspector Mathews that the common source of poisoning was some chemical which was lying in the godown of A. V. Thomas & Co. Ltd...."

The Managing Director of that company is no less a person than a previous Member of Parliament representing the party of my hon. friend Shri Maniyangadan. Yet the blame is laid on the Government of Kerala.

With all this, Sir, what is folidol? Who knew about folidol? Was it introduced for the benefit of the peasants, the agriculturists in Kerala when the present Government is in power? It was introduced in 1954 when my hon. friend's party was in power.

Shri Maniyangadan: May I invite the hon. Member's attention to page 69?

Shri V. P. Nayar: I know that, but I am afraid I have no time. Sir, 50 mg. of folidol is a fatal dose for a man. It is far more virulent than potassium cyanide which was supposed to be the most potent poison. It was smuggled inside our country on the ground that it was an insecticide, pesticide or fungicide when my hon. friend's party was there. They did not do anything. Now when this has happened due to an accident, the whole blame is cast upon the Government which is in power at the time when this has happened, although the report is categorical in its conclusions.

There is a very illuminating document also attached with this report by no less a person than Major General Sarup Narain. It would be worthwhile for my hon. friends to read this document by the most eminent pathologist in our country. The presence of folidol cannot be detected by chemical analysis in most of our laboratories, the reason being that its discovery was made only recently and a very high technique is involved in it that most of our professors of chemistry do not have sufficient knowledge. What shall a Government do? Dr. Menon would expect a man of the type of a Sub-Inspector of police, who has only the qualification as an ordinary graduate, to find out from the symptoms the presence of folidol, when Major General Sarup Narain himself says, the Enquiry Commission also says that the symptoms of death caused on account of folidol are almost like those of cholera. As you know, Sir, cholera is infectious, the infection is passed through contaminated food and there is also vomiting. Dr. Menon would accuse the Government for the inspector not having taken the vomit. I am sure that it is not because of the lack of knowledge of law or of the procedure in this connection, but where a blame could conveniently be laid without being contradicted that opportunity has to be used.

Sir, this is a very serious incident. I would have very much liked the humanitarian considerations of Dr. Menon to have urged my hon. friend, Shri Karmarkar, to pay more for the persons who died. Dr. Menon and Shri Maniyangadan have nothing to say about it. They do not want a pie more to be paid to these unfortunate victims. They only want the Central Government to shift the blame on Kerala Government.

Even in the United Kingdom, Sir, where almost hundred times facilities exist for the analysis of poisons, the rules relating to protection in the transport of this commodity were introduced only in 1953. At least we

[Shri V. P. Nayar]

borrow extensively from U.K. legislations and U.K. rules. Our charge is that in the United Kingdom the carriage of this is subject to very severe control, and if the Government of India had chosen to adopt that this would not have happened.

Sir, two years ago we debated the incidence of jaundice—infective hepatitis. What did that indicate? Right under our nose, for 14 days reports showed that the content of chloride in Delhi water had increased beyond the safe margin. Yet, with all the skill and tools at the disposal of our analysis it could not be found out. I do not accuse them; the reason being that the moment you suspect increase in chloride content, you do not immediately conclude the presence of infective hepatitis.

Sir, some sort of general background is necessary to speak on such matters, unless it is only intended for vilification. There is absolutely no ground to lay the blame on the Kerala Government, except that that Government, more than other Governments in the neighbouring States where also this folidol was sent and deaths occurred, took prompt steps. No other Government, as you can see from this report, took any prompt action.

It is a very serious matter, I sympathise; because the maximum number of deaths has happened in my place—Sasthankottah. No sympathy came from Dr. Menon or Shri Maniyangadan for those victims.

Mr. Deputy-Speaker: Why should he repeat that. How does he know? That should not be the conclusion.

Shri V. P. Nayar: I am only saying that not a word was said about the shipping company, not a word was said about the lack of import restrictions, not a word was said about any enquiry, before it was allowed to be imported, about the virulence of this poison which is more virulent than any other known poison. No reference was made to these things in their speeches. Sir, these are few things that you discover from this report. Human ingenuity must have its end.

I would only appeal to the hon. Minister that at least he must take proper steps to ensure that not merely folidol but other injurious substances which are poisonous are taken proper care of. There are so many substances which are poisonous if a big dose is taken orally. Mere labelling of a poison will not by itself ensure its being not administered. It is not the case of a chemist's shop where the chemist knows whether sodium sulphate or potassium bromide is poisonous or not. Here the thing is being transported. For all substances which are capable of such mass destruction in the eventuality of an accident, the Central Government must be primarily responsible for the safety of the people. I do not at all blame the Health Minister, because he cannot be expected to taste the samples of these things from all places at great personal risk. But I would urge upon the Central Government to set up a machinery, so that hereafter such dangerous poisons capable of mass annihilation should not be imported into this country and an opportunity given to the critics of a particular Government to ventilate their grievances for political purposes in the House under the guise of speaking in favour of this resolution.

Dr. K. B. Menon: May I just say a word of personal explanation?

Mr. Deputy-Speaker: I do not think it is needed.

Dr. K. B. Menon: I challenge the hon. Member who preceded me to prove that my party or the Congress had anything to do with the publication of the news to which he referred. I also would like to say that he has put into my mouth very many things which I did not say. To make a positive thing out of a negative thing is something which a person who is so profoundly erudite as Shri V. P. Nayar should not do.

Shri V. P. Nayar: Noted with thanks.

The Minister of Health (Shri Karmarkar): I have closely followed the various observations made by hon. Members who have participated in this debate. There are two points which I should refer to at the outset. My esteemed friend Dr. Warior allowed himself to say......

Shri V. P. Nayar: He is not a doctor. His brother is a doctor, by the way.

Shri Karmarkar: There is one doctor on record here. So, I must have made a mistake. Anyway, he does not look like being a patient either. My esteemed friend Shri Warior allowed himself to observe and to imply that precaution should have been taken about the import of folidol. If I understood him aright, he seemed to suggest that folidol need not have been imported into the country at all. That appeared to have been his suggestion. The use of folidol has been there for the last so many years.

The report itself refers to this point, regarding the hazards of using folidol at page 61 of the report, the Commission refer to various uses, and then make these observations:

> "It has to be borne in mind that folidol is one of the group of or ano-phosphorous compounds and is one of the most lethal ones. There is not sufficient material in the text-books or in the evidence of the witnesses examined before us to show what the chronic effect of folidol poison is, or whether folidol contamination involves any long-term hazards. Even in countries where extensive investigations have been made, there appear to be a considerable gap in the knowledge relating to the behaviour of folidol on human beings and on the beneficent insects which propagate pollination. It would, therefore, be necessary to make a full investigation of the hazards involved in the use of folidol from all points of view before a final opinion can be expressed regarding its continued use and that investigation must also take into account the question whether there are other organo-phosphorous compounds or other compounds which might be equally beneficial in agriculture and may involve lesser hazards to human beings. We propose to make recommendations, therefore ....to prevent the recurrence of similar occurrences.".

It is obvious that this folidol has been a useful agent as an insecticide. I do not think Shri Warior contests that point that it is being found useful.

Shri Warior: May I make one submission? I do not contest that it is an insecticide. But even then, if all insects are killed by folidol and folidol is sure to kill all the insects—that itself is against agriculture and other things, as has been reported here. That also must be taken into consideration.

Shri V. P. Nayar: There will be no biological control.

Shri Karmarkar: In any case, I do not propose to enter into the rather very interesting subject of biological control or even the equally fascinating scientific subject as to the utility of folidol. I do not think it is a matter for difference of opinion, even so far as Shri Warior is concerned, that this insecticide is being used usefully by the planters and the like, and it has been found to be useful.

The one fact that has been brought out by these unfortunate incidents—in fact, a tragic penalty of many lives had had to be paid to invite our attention to it—is this. And the reports of both the committees also make it quite clear. I am not here entering into the question of responsibility, and

[Shri Karmarkar]

I must congratulate hon. Members for having abided by your advice not to enter into the question of legal responsibility. But the fact has been brought out regarding the advisability or absolute necessity of taking greater precautions about the handling of this substance, much more than about the utility of this substance. However, I am quite sure that the commission's observations which I have just now read out will be taken into consideration by the Ministry of Agriculture here and also by the Agriculture Departments in the different States.

There is another point. I do not know whether my hon. friend Shri V. P. Nayar in the flood of his zeal to counter what Dr. K. B. Menon said, forgot it, but he allowed himself to say that Government had perhaps skipped over this matter and not issued the necessary instructions. There is, in fact, a reference to this in pages 22 to 24 of this report. The United Kingdom Government Departmental Committee that was appointed to go into the matter of 'The Carriage of Dangerous Goods and Explosives in Ships' have laid down certain rules. At page 117 of their report, they had made the following entries:

> "Section 4A—Poisonous substances....",

and there, they mentioned parathion also, which is a 47 per cent constituent, I understand, of folidol. They made a description of all that, and they laid down the maximum quantity of substance in inner container or net weight contents, the details of protective or outer packing, maximum gross weight of package allowed and so on, and they also made a recommendation about labels or stencils, and so on.

The Commission observe at page 24 of their report:

> "It is evident from the rules, and the letter of the Government of India to the Shipping Companies, that the shipping companies were expressly informed about the publication of the Indian Merchant Shipping (Carriage of Dangerous Goods) Rules, 1954, and about the duty of the shipping companies and its officers to comply with the same and also to adopt as far as possible, the United Kingdom Government Departmental Committee Report on the Carriage of Dangerous Goods and Explosives in Ships, 1951.".

So, it is not as if the Government of India were quiet about that point or skipped over that point. They did take all these precautions. In spite of all these precautions, what happened has happened. As to why it has happened, the Commission have given their opinion about it. Now, I shall not go into the question regarding the Kerala Government's responsibility, though hon. Members have gone into that matter. I do not think it serves any useful purpose to go into that matter, nor do I believe, with very great respect, that it would be relevant for the purpose of considering the report of this commission.

I had occasion, I think, on the opening day of this Session, to lay on the Table of this House a statement regarding the various measures that have been taken with regard to the recommendations of this commission. On that day, we had indicated the measures that we had taken.

There was one observation made regarding the disposal of foodstuffs seized by the Kerala Government. In this matter, it is the Kerala Government that is competent to deal with the seized foodstuffs. Therefore, we have passed on the opinion of our experts to them. We have forwarded the first batch of experts' opinions which made us agree with the commission's finding regarding the disposal of the foodstuffs namely that the foodstuffs may be released after the most rigid careful chemical tests and examinations necessary.

Now, we drew the the attention of the Kerala Government to the special recommendations, and later on, on the 14th August, 1958, a note dated 7th August, 1958 received from Shri N. K. Iyengar, Director, Central Forensic Science Laboratory, Calcutta, and his views, were forwarded by us. He stated that it was not safe to release for consumption any part of the foodstuffs attached under the orders of the Kerala Government, as even the adoption of the procedure recommended by the Commission for drawing representative samples of food—I may tell Shri V. P. Nayar who is trying to disappear from the House,—

An Hon. Member: No.

Shri Karmarkar: I am sorry. He is doing something useful. So, even that procedure will not ensure that any portion of the contents of the bag will not contain folidol in significant amounts. Then, we forwarded Shri Iyengar's report also to the State Government, because ultimately, the final action rests with the Government of Kerala. It is important from the point of view of the hazards to human health not to release the foodstuffs which might be deleterious.

The views of Shri Iyengar were communicated to the Kerala Government. Then the Kerala Government, I understand, are holding meetings and my latest information is that this matter is to be decided at a meeting that is proposed to be held today, if I am not mistaken, at Ernakulam or some other place.

That is about the special recommendation of the Commission. Regarding the general 15 recommendations I had occasion to indicate earlier that the Ministry of Home Affairs have notified that some substances, principally insecticides, noted in that particular notification, as poisonous. Then the State Governments have also been advised to declare those insecticides as poisons under the Poisons Act, 1919 as well as under the State Acts. This declaration of the insecticides as poisons will enable immediate and effective measures to be taken for their storage, packing, sale and labelling. In addition, these insecticides will also come under the category of "dangerous goods" for the purposes of transport by sea or by rail, and will be subject to all the restrictions which are at present applicable under the rules made under the Indian Merchant Shipping Act and the Indian Railways Act.

I had also occasion to note, in the earlier statement, the action taken on this matter. The details of concurrent action being taken, for instance, are: the State Governments have been requested to regulate the storage, packing, labelling and sale of such insecticides by making suitable rules under the Poisons Act. Pending standardisation of specifications for containers for those insecticides and their formulations, it has been decided that the containers for such insecticides should be the same in quality and kind as those in which such insecticides are being imported. Then, steps are being taken to enforce strictly the safety measures in the factories manufacturing, formulating or packing those insecticides, etc.

After we took action in accordance with the statement that I had the occasion to make earlier, the Government of India constituted two committees of the concerned Ministries. More than one Ministry is concerned with this. For example, a technical committee consisting of representatives from 11 Ministries has been constituted. These Ministries are: Commerce and Industry, Food and Agriculture, Labour and Employment, Transport and Communications, Railways (Railway Board), Law, Health, Scientific Research, Finance (C.B.R.), Home Affairs and W.H. & S. I must express appreciation of the quick work that the committee has been able to do. As a result of their deliberations at the first meeting, they could arrive at the conclusions which I had occasion to detail in my earlier statement that I made in this House.

[Shri Karmarkar]

Following the first meeting of the Inter-Ministerial Technical Committee which was held on the 29th of July, 1958, to consider the recommendations made by the Kerala and Madras Food Poisoning Cases Enquiry Commission and subsequent to the statement that I made in this hon. House on the subject, the second meeting of the Inter-Ministerial Technical Committee was held on the 29th August, 1958. A review was taken of all the measures already taken. As a result of the review, the following points were brought to the notice of the Committee: One, the Ministry of Labour are taking action to enforce safety measures for workmen who are engaged in formulating insecticides. Second, the Ministry of Railways are now in a position to control the transport of insecticides by rail and they are in consultation with the Chief Inspector of Explosives for prescribing the type of containers, packings, markings, etc. for insecticides before they are accepted for despatch by rail.

Shri V. P. Nayar: Does the Chief Inspector of Explosives deal with containers of poisons which are non-explosives?

Shri Karmarkar: He also deals with the others. In any case, my hon. friend may rest contented that he is a perfectly relevant officer.

Insecticides which have been declared "poison" under the Poisons Act, 1919, are subject to the regulations applicable to poisons under the Indian Merchant Shipping Act. The question of controlling the storage and handling of the poisons at the ports by amending the bye-laws of the Port Trust is under examination by the Ministry of Transport and Communication.

The Inter-Ministerial Technical Committee has appointed two sub-committees. The first committee will examine and recommend firstly the specifications for containers for the insecticides—because it is the main defect in the containers that has been responsible for this tragedy—secondly, particulars of labelling, marking and storage conditions for insecticides and thirdly, precautions to be employed by units processing the insectides and instructions for storage and use of insecticides.

The other committee has been asked to draw up the broad outlines of a comprehensive legislation for controlling the manufacture, storage, transport, distribution and use of insecticides which are toxic to man. This sub-committee will also recommend the functions that should be assigned to the Pest Control Laboratories and also the set-up of such laboratories.

I am not going into greater details. The question of laying down limits for residual poisons in articles of food which are sprayed with insecticides and methods of tests to be laid down for detecting the presence of insecticides in such quantities is being by an *ad hoc* sub-committee of the Central Committee on Food Standards.

I would also like to tell the House that the Ministry of Transport and Communications are examining the possibility of making provisions under the Motor Vehicles Act for controlling the transport by road of insecticides. This Act is administered by State Governments, and "Model Rules" for controlling the transport by road of insecticides under the Motor Vehicles Act will be drawn up by the Department of Transport and circulated to State Governments for guidance.

I should also like to inform the House that the Indian Merchant Shipping Act is being amended by the Ministry of Transport and Communication so as to provide for stringent penalty in the event of false declaration of goods by parties for the purpose of transport. The question of making suitable changes in the

Indian Merchant Shipping (Carriage of Dangerous Goods) Rules, 1954, in the manner recommended by the Kerala and Madras Food Poisoning Cases Enquiry Committee is also under examination.

As I indicated earlier, the Government have generally accepted in principle the recommendations of the Commission. I am very grateful to Mr. Warior for giving me this opportunity of explaining to the House in fairly good detail what steps are being taken by way of implementation of the Commission's recommendations.

Shri Achar: Are we now importing this material in wooden cases? The main point in the report was formerly it was being carried in aluminium containers. Are they now coming in wooden containers? What is the arrangement now?

Shri Karmarkar: How it is done now I could not say, but I presumed that they are coming in aluminium containers as before. I will find out the latest position how they have come, if they have come and I shall give the information to the hon. Members.

Shri V. P. Nayar: The hon. Minister does not seem to be quite sure about the containers. However much one may be careful in importing it through wooden cases, it is certain that wooden cases will give a greater chance for leakage, because it cannot be perfectly sealed. So, it is a very important matter which should be enquired into immediately.

Shri Karmarkar: Yes, Sir; I only did not want to give an off-hand reply to my hon. friend unless I knew the position exactly. I shall make an immediate enquiry. But I am quite sure that it is now being imported under perfect conditions of packing, etc.

Shri Warior: The hon. Minister has declared that he has given in detail the measures taken to detect the presence of folidol, etc. contaminating the foodstuffs. I do not want to reply to the allegations made by two hon. Members from Kerala, because sufficient has been said by my hon. friend, Shri Nayar; I do not want to add to it. As to the recommendations made by the two Committees—the Kerala Food Poison Enquiry Committee and the Shah Commission,—I would request the Health Minister particularly to understand the significance of the problems involved. As a matter of fact, my information is that folidol was not detected at first. Neither could they detect Parathion. Folidol was coming in, and nobody knew that. As a matter of fact, there were contradictory statements by the Director of Agriculture, Kerala, the Plant Protection Officer and so on. But Dr. Natarajan has reported to the Commission that he had made a statement about 25 medical cases. What action has the Government taken at that time? It was not food alone that was contaminated. There were cases reported from other places about other commodities. Tea had been contaminated by Parathion—ordinary tea without sugar. Because, once people knew that sugar was contaminated, they began to take tea without sugar. Still, some people were affected. That shows that tea is contaminated, because folidol is used in the plantations.

Messrs. A. V. Thomas & Company are the distributors for the plantations. They are planters also. They have very extensive plantations in Kerala, where this is used. There is no doubt that it is a very good insecticide. For that matter, any good poison would be a good insecticide, because it will annihilate all the insects. But then there is question of the human beings. The knowledge of the correct usage of the dose of these insecticides is not there even with the chemistry professors of Universities. The University professor who detected Parathion in Kerala was able to do it after getting the instruments which he had ordered from U.K. long time ago. That was lying in the port of Cochin. Only this incident made him

[Shri Warior]

get that instrument in time, because he told the authorities that if he could get the instrument he would be able to detect it, as he had experience of this subject later in UK. I do not want to mention the name of that gentleman. He told me this personally. It was after that that they detected parathion.

Of course, as Dr. Natarajan put it, from any textbook you can quote what is Parathion. That is very easy. Once it is known that it is Parathion, it is very easy to say, in the textbooks it is very well described. But to locate it, to detect it, we have not got the laboratory equipments. That is what our analysts say.

So, I would appeal to the Health Minister that before everything is done, the first necessary condition is that we should have the residuary insecticides tested here itself. We cannot have full confidence in the importers. The importers label it for their own business purposes. Even about folidol, as the hon. Minister was kind enough to quote, there is divided opinion. One agronomist says that it will annihilate all the insects. At the same time, there are certain insects necessary for agricultural purposes. Those insects will also be annihilated, and the net result will be that agriculture will also be annihilated. So, there is divided opinion on this matter.

We should not rely upon the importers, especially, the German importers, because we had reports from international bodies that they had resorted to chemical warfare. These are disposals of those materials, that is what I understand. You can check it up. I cannot give any authentic report about it. You can check it and it must be checked up. We find that so many diseases are coming up. This has been going on from 1952 up to the present day. Merely because no major incidents have occurred, it does not mean that incidents have not occurred. In our country people are quite ignorant. People working in the plantations might not have reported. They might have taken it for diarrhoea or cholera, as so many epidemics are prevalent in this land. They might have taken it for gastroenteritis or some other enteritis; nobody knows. Nobody detected what it is. I am not imputing motives. Cholera is very common in Kerala in the month of June. In Kerala in 1943 45,000 people had died of cholera. So, this mass death did not mean anything (*Interruption*).

I will just conclude and then he will meet it.

New things are coming into our land and we are ignorant about it. Even those who are in the highest places are ignorant about it, what to talk of the conditions of ordinary plantation labourer who are using that without protection. What about the ordinary agriculturists who are using that without protection to their bodies? This coming into contact will not only remain there but will mark time until the patient is week enough and at the most vulnerable point the poison will react. This is the precise characteristic of this poison. This is not an ordinary poison. It is not only a contact poison. Dr. Natarajan says that it is a contact poison. That is correct, but it is also a cumulative poison. That he has not detected. I do not want to comment upon his comments, but I know how he can comment. He can comment only so much because there is no instrument to my knowledge in the whole of India to detect parathion in small doses. He himself admits that under the existing laboratory conditions in India this cannot be detected. That is the difficulty. So, I will urge upon the Central Health Ministry immediately to set them up as far as possible. There are certain instruments in the UK and so they detected it. They came to certain conclusions and my understanding is that they have banned completely folidol in all the European countries and in the UK. Even the Report says that it goes to some places like South America and Latin America. Well, Latin America is equally in a bad condition, where lives are very cheap and they want only profit making. The company importing it knows pretty well that it is a highly poisonous stuff and that it comes from I.G. Farber, who are notorious for chemical warfare in the last war. They know it. They know that they had been getting it by air. They knew that the UK Government had gone into this affair and passed some regulations. Chika knows. He is not a very innocent fellow.

Shri Nath Pai: Is that a fellow?

Shri Warior: That is a matter of legal expression.

"There is no aluminium". How cheekily they say that and they mark it as a harmless chemical to evade freight?

An hon. Member: There is no harm if death is instantaneous.

Shri Warior: All this happened because we did not know it. Generally, people do not know it. Generally efficient chemists even do not know it. This is a very recent thing. In 1944 during the height of the War they invented it. So, I suggest that immediately and urgently we must have some laboratory conditions established here to detect all these inventions and all these things coming from abroad, specially from the Continent.

The second thing is the compensation. Rs. 300|- for a life and not knowing that they have died as martyrs for Chika and Bayer and I.G. Farber and all those fellows!

Shri Karmarkar: Sir, I might briefly refer to the point that Shri Warior made. One good result that this debate will have is that this technical committee that is functioning will have the additional advantage of these observations made in this House. There is no doubt about the point that Shri Warior made that there should be pest laboratory assistance and equipment here to test all types of poisons and other chemicals coming in this country. If I might invite his attention, it is not only this parathion that has been defined as poison by virtue of this notification of the Home Ministry, but they have taken insecticides, for instance, they have mentioned tetruethyl pyrophosphate, rodenticides, like alpha naphthyl thiourea and all that. I need not read out the whole list. There are fungicides, fumigants and then they have said any preparations containing any of the aforesaid poisons. In fact, they have brought under the purview of this notification in all eleven things. So, it is not as if that folidol alone is a poison that needs to be taken care of, but the other pesticides, fungicides and fumigants also.

17 hrs.

So, I am quite sure that the best possible precaution will be sought to be taken regarding the use of these poisons, especially as my hon. friend said, at the other end, by the man who uses it, the sprayer or actual labourer who uses it. It is precisely from that point of view that this comprehensive legislation is being thought of. I have not much to say whether the country which invented this is Germany, because, I do not think, in the matter of invention of poisons etc. any particular country need be named. There are busy scientists every where and every advanced country has invented many poisonous substances. I do not know why my hon. friend so many times mentioned Germany. We have neither partiality nor anything opposite of partiality about it. If he has any feelings in the matter, in any case, they are not relevant for us.

Shri Warior: I was saying from the report.

Shri Karmarkar: I have got many other papers here.

Mr. Speaker: It is a matter of importing poison. What does it matter whether......

Shri Karmarkar: .... whether it is Germany or north or south or east or west.

Shri Warior: This poison is imported from Germany.

Shri V. P. Nayar: His point was that it was prepared originally for chemical warfare and mass annihilation and later on it was converted into something as an insecticide. Every poison can be used as an insecticide.

Shri Karmarkar: The atom bomb was used as a means of mass destruction. We are now trying to use atomic energy for constructive purposes. If a poisonous substance is found useful, on the advantages and disadvantages being balanced, if you find scientifically there is advantage in utilising the poison as insecticide, there is no difference of opinion on the fact that all possible precautions should be taken at all stages, right from the manufacture to the stage of handling. That is all I have to say.

Shri Warior: What about the question of compensation to bereaved families of the victims?

Shri Karmarkar: The question of compensation does not arise out of the discussion, which was about the report of the Kerala Inquiry Commission. I think the Kerala Government may also devote some attention to the question of compensation.

Shri Warior: Why not the Central Government help?

Shri Karmarkar: It may be left to the Kerala Government. It is in very safe hands.

17·02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 10 September, 1958.

[*Tuesday, 9th September, 1958*]

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1067	Surala and Sumadi Salt Factories	5393—95
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1069	Indo-Tibetan Trade	5397—99
1071	Closure of manganese mines. . .	5399—5401
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1073	Displaced Persons in Purana Qila . .	5404—08
1074	Patel Nagar Colonies .	5408-09
1076	Handloom rebate . .	5409—12
1078	Trade with West Germany	5412-13
1079	Finance for Tea Industry	5413—14

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8	Disturbances in Rourkela Steel Plant area.	5414—17

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1070	Express Newspapers Building . . .	5420
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1080	Diesel engines . . .	5422
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1086	Handloom and Cottage Industry products .	5425-26
1087	Fellowships for atomic training . . .	5429
1088	Unemployment due to import restrictions .	5426-27
1089	Foreign capital investment	5427
565	Pakistan's war propaganda	5427

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1697	Import of newsprint .	5428
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1699	Displaced persons in Tripura	5429
1700	Cycle factories in Orissa .	5429-30
1701	Wholesale depots in Bombay . . .	5430
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1703	Weavers' Cooperatives in Marathwada (Bombay)	5432
1704	Textile Mill, Kota (Rajasthan)	5432
1705	Small scale industries in Rajasthan . . .	5433
1706	Glass and manganese	5433
1707	Tanneries in Rajasthan .	5433-34
1708	Dock Labour Boards .	5434-35
1709	Small scale industries in Punjab . . .	5435
1710	Trade with foreign countries	5435-36
1711	Leather Cooperative Societies in Punjab . .	5436
1712	Air-conditioning in Government buildings .	5436-37
1713	Displaced persons near Bagichi Madhodas, Delhi . . .	5437-38
1714	Import of raw material .	5438-39
1715	Export of Plantago Ovata Husk (Sat Isabgol) . .	5439
1716	Small scale industries in Punjab.. . . .	5439
1717	House collapse in Delhi .	5439-40

WRITTEN ANSWERS TO QUESTIONS—*contd.*

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1723	Children's Films	5443–44
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1725	Tea cultivation	5444
1726	Indian boat looted by the Pakistan Forces	5445
1727	Sugar factories	5445–46
1728	Purchases of stationery stores	5446
1729	Ahmedabad Cotton waste Merchants Association	5446–47
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1731	Jamsar Gypsum Mine, Rajasthan	5448
1752	Loans to Harijan displaced persons	5449–50
1733	Rehabilitation work in Tripura	5450
1734	State Trading Corporation of India (Private) Ltd.	5450-51
1735	Automatic Stove Manufacturing Factory	5451
1736	Export of animals	5451–52
1737	Development of sewing machines	5452
1738	Tea trade	5453
1739	Indian sufferers of Great War in Burma	5453
1740	Automatic looms for Punjab.	5453–54
1741	Afghan nationals in Bombay	5454
1742	Vegetable oils	5454–55
1743	Employment Exchanges	5455
1744	Small scale industries in Himachal Pradesh	5455
1745	Consumption of paper	5455–56
1746	Commissions/Committees	5456
1747	Indian trainees in U.S.A. and U.S.S.R.	5456
1748	Closure of paper mills	5456–57
1749	Art silk yarn	5457
1750	Trade with Japan	5457–58
1751	Fertilisers plants in the Private Sector	5458
1752	Rents of lands	5459—61

WRITTEN ANSWERS TO QUESTIONS—*contd.*

U. S. Q. No.	*Subject*	COLUMNS
1753	Prime Minister's Relief Fund	5461–62
1754	Accreditation of press correspondents	5462–63
1755	Plan publicity in Orissa	5463–64

MOTION FOR ADJOURNMENT 5465-85

The Speaker withheld his consent to the moving of three adjournment motions given notice of by the following members alleging failure of Parliamentary democracy in Uttar Pradesh on account of certain incidents in the State Legislature Assembly on the 8th September, 1958 :—

Sarvashri Hirendra Nath Mukerjee, V.P. Nayar, Braj Raj Singh, S.M. Banerjee, Jagdish Awasthi, K.T.K. Tangamani, Hem Barua, Nath Pai, Yadhav Narayan Jadhav and Shrimati Renu Chakravurtty

PAPERS LAID ON THE TABLE 5486, 5489

The following papers were laid on the Table:—

(1) A copy of the Annual Report of the Registrar of Newspapers for India for the year 1957.

(2) A copy of Notification No. G.S.R. 749 dated the 30th August, 1958 under subsection (3) of Section 49 of of Tea Act, 1953, making certain further amendment in the Tea Rules, 1954.

(3) A copy of the Audited Accounts of the Employees' State Insurance Corporation for the year 1956-57, under Section 36 of the Employees' State Insurance Act, 1948.

(4) A copy of the Summary of Proceedings of First Session of the Industrial Committee on Jute held at Calcutta in August, 1958.

(5) A copy of Notification No. G.S.R. 723 dated the 23rd August, 1958, under subsection (3) of section 642 of the Companies Act, 1956, making certain further amendments to the Companies (Central Government's) General Rules and Forms, 1956.

COLUMNS

MESSAGE FROM RAJYA SABHA 5490

Secretary reported a message from Rajya Sabha that at its sitting held on the 4th September, 1958, Rajya Sabha had agreed without any amendment to the Working Journalists (Fixation of Rates of Wages) Bill, 1958, passed by Lok Sabha on th 25th August, 1958.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE PRESENTED 5490

Nineteenth report was presented.

BILL PASSED . . 5490—5568

Clause by clause consideration of the Public Premises (Eviction of Unauthorised Occupants) Bill, 1958, as passed by Rajya Sabha concluded and the Bill was passed.

COLUMNS

MOTION UNDER DISCUSSION 5567—5614

Shri Warior moved for consideration of the Report of the Commission of Inquiry into the cases of food poisoning in Kerala and Madras States, laid on the Table on 11-8-58. The discussion was concluded.

AGENDA FOR WEDNESDAY, 10th SEPTEMBER 1958—

Consideration and passing of the Indian Medical Council (Amendment) Bill, 1958 and discussion on the motion to refer the Delhi Rent Control Bill, 1958 to a Joint Committee.